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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

1) **Heading of the Part:** Learning Assessment and School Improvement Plans

2) **Code Citation:** 23 Ill. Adm. Code 210

3) **Section Numbers:** **Proposed Action:**

210.10 Repeal
210.100 Repeal
210.110 Repeal
210.120 Repeal
210.130 Repeal
210.140 Repeal
210.150 Repeal
210.200 Repeal
210.210 Repeal
210.220 Repeal

4) **Statutory Authority:** Ill. Rev. Stat. 1991, ch. 122, pars. 2-3.63, 2-3.64, and 27-1; (105 ILCS 5/2-3.63, 5/2-3.64, and 27-1).

5) **A Complete Description of the Subjects and Issues Involved:** This entire Part is being repealed. All the rules contained in Part 210 have been replaced or superseded by concurrent amendments to the Board's rules for Public Schools Evaluation, Recognition and Supervision. (23 Ill. Adm. Code 1). The amendments will establish a new school recognition process and will incorporate or make obsolete the material in Part 210.

6) **Will this proposed rule replace an emergency rule currently in effect?** No.

7) **Does this rulemaking contain an automatic repeal date?** No.

8) **Does this proposed repealer contain incorporations by reference?** No.

9) **Are there any other proposed amendments pending on this Part?** No.

10) **Statement of Statewide Policy Objectives:** This rulemaking will not create or enlarge a state mandate.

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Written comments may

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be submitted within 45 days of the publication of this notice to:

Jon X. Healy
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

12) **Initial Regulatory Flexibility Analysis:** This rulemaking will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER e: INSTRUCTION

PART 210

LEARNING ASSESSMENT AND SCHOOL IMPROVEMENT PLANS

SUBPART A: GENERAL

Section
210.10

Introduction

SUBPART B: LEARNING ASSESSMENT PLAN

210.100 Learning Assessment Plan Elements
210.110 Student Learning Objectives
210.120 Assessment Systems
210.130 Reporting System
210.140 Learning Assessment Plan Development and Assessment Schedule
210.150 Learning Assessment Plan Approval

SUBPART C: SCHOOL IMPROVEMENT PLAN

210.200 School Improvement Plan Elements
210.210 School Improvement Plan Development
210.220 School Improvement Plan Approval

APPENDIX A STATE GOALS FOR LEARNING

AUTHORITY: Implementing and authorized by Sections 2-3.63, 2-3.64, and 27-1 of The School Code (Ill. Rev. Stat. 1987, pars. 2-3.63, 2-3.64, and 27-1).

SOURCE: Adopted at 11 Ill. Reg. 20787, effective December 15, 1987; amended at 12 Ill. Reg. 16052, effective September 23, 1988; amended at 14 Ill. Reg. 1254, effective January 8, 1990; Part repealed at ____ Ill. Reg. ____, effective ____.

SUBPART A: GENERAL

Section 210.10 Introduction

- a) Each school district shall establish local goals for excellence in education, inform the public of those goals, and develop Learning Assessment Plans and School Improvement Plans for approval by local board action pursuant to procedures and criteria set forth in this Part.
- b) Each Learning Assessment Plan shall at least contain the elements identified by the Section headings in Subpart B of this Part, as applicable, and the contents of each element shall at least conform to the requirements of the applicable Section.
- c) Each School Improvement Plan shall at least contain the elements identified in Section 210.200 of this Part and the plan shall at least conform to the requirements of Section 210.220 of this Part.
- d) Student learning objectives for grades 3, 6, 8, and 11, as provided for in Section 210.110 of this Part, shall be understood to have been developed within the context of locally predetermined and stated levels of skills and knowledge desired in students completing the 12th grade.
- e) Any plan developed by an elementary or high school district pursuant to this Part shall include a statement of assurance that the plan was developed in consultation between the sending (elementary) and receiving (high school) districts. Letters indicating that consultation has occurred shall be signed by the affected school district superintendents and shall be included in the plan.
- f) Each school district shall submit the assurances set forth in subsection (g) to the State Board of Education with respect to all scheduled Learning Assessment Plans and School Improvement Plans, and any amendments thereto. These assurances shall be signed by the district superintendent and shall include identification of the school district, identification of the Learning Assessment Plan (i.e., by area of learning), School Improvement Plan, or amendment to

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which they pertain, and date of approval by the local board of education.

- g) The school district shall assure the State Board of Education that:

- 1) The Learning Assessment Plan, School Improvement Plan, or amendment has been approved by local board action, conforms to the requirements of the State Board of Education's rules entitled Learning Assessment and School Improvement Plans (23 Ill. Adm. Code 210), and is on file in the district for review by the State Board of Education.
- 2) The district has taken steps to ensure that its assessment methods and instruments are nondiscriminatory in relation to race, sex, or national origin (e.g., statements from publishers, report of an advisory panel, empirical data such as the results of statistical analysis of item bias).

- 3) The district's assessment criteria will be uniformly applied to all students.

- 4) All students in grades 3, 6, 8, and 11 who are required under Section 2-3.64 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.64) to be assessed shall be administered assessment items, for those grades, to be provided by the State Board of Education pursuant to the provisions of Section 2-3.64 of The School Code and the assessment schedule set forth in Section 210.140(b).

- 5) The administration of the local assessment will occur each year in accordance with the schedule set forth in Section 210.140(b).

- 6) The district will maintain descriptions of its assessment procedures and copies of its instruments, to be made available to the State Board of Education upon request.

SUBPART B: LEARNING ASSESSMENT PLAN

Section 210.100 Learning Assessment Plan Elements

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- a) A Learning Assessment plan is a plan containing:

- 1) local learning objectives which are clearly stated;
- 2) an assessment system linked to those objectives; and
- 3) a description of local expectations for student achievement of local learning objectives; and
- 4) a description of what the district will do to ensure that the public is adequately informed of the district's learning objectives, assessment results, expectations for student achievement, and local plans for improvement based on analysis of those results.

- b) Each district's Learning Assessment Plan shall conform to the following requirements:

- 1) local objectives are at least consistent with the State Goals for Learning (See Section 210.110(d));
- 2) assessment procedures are reasonable and adequate to determine the degree to which students are meeting objectives and reflect a local commitment to using a variety of testing methods as appropriate for each learning area;
- 3) assessment procedures are based on good testing practice, as described in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association (No later amendments to or editions of these standards are incorporated by this rule.);
- 4) reporting procedures inform the public about local objectives, assessment results, expectations for student achievement, and local plans for improvement (see Section 210.130).

Section 210.110 Student Learning Objectives

- a) School districts shall establish student learning objectives which:

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- 1) shall be consistent with the primary purpose of schooling, as set forth in Section 27-1 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 27-1);
 - 2) shall at least be consistent with the State Goals for Learning established in Appendix A of this Part;
 - 3) shall be established for grades 3, 6, 8, and 11 for each goal included in the six fundamental learning areas (i.e., Language Arts, Mathematics, Biological and Physical Sciences, Social Sciences, Fine Arts, and Physical Development and Health) set forth in Appendix A of this Part; and
 - 4) shall be approved by the local board of education in accordance with the schedule set forth in Section 210.140(a) of this Part.
- b) A school district may comply with the requirements of subsection (a) of this Section by:
- 1) adopting or adapting learning objectives already established by the district;
 - 2) adopting or adapting the sample learning objectives published by the State Board of Education for one or more of the six fundamental learning areas; or
 - 3) using a combination of subsections (b)(1) and (b)(2) of this Section, so long as the combination is at least consistent with the State Goals for Learning set forth in Appendix A of this Part. Compliance with this requirement shall be determined in accordance with the criteria provided in subsection (d) of this Section.
- c) Nothing in this Section shall be construed as prohibiting a district from revising learning objectives yearly, subject to the provisions of Section 210.150(d) of this Part.
- d) School district learning objectives shall be deemed to be consistent with the State Goals for Learning when,

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for each fundamental area of learning, they meet at least one of the following criteria.

- 1) The objectives are identical to sample learning objectives for an applicable fundamental learning area(s).
- 2) The objectives differ in whole or in part from the sample learning objectives but are nevertheless equivalent in that:
 - A) they address, at least as comprehensively (e.g., in scope, content, and specificity), each goal of the applicable fundamental learning area(s); and
 - B) they are measurable.

Section 210.120 Assessment Systems

The learning assessment approach prescribed by this Part is necessary to implement the statutory requirements for such systems in school districts. However, an assessment which occurs only once a year at a limited number of grade levels is not sufficient to stand alone as a meaningful method of evaluating student achievement. Therefore, the State Board of Education assumes that districts will have in place other appropriate assessment activities. Each school district shall include in its Plan a description of its assessment system, including instruments and procedures it will use to determine the degree to which all students enrolled in grades 3, 6, 8, and 11 in the district, except those students receiving special education services pursuant to Article 14 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 14-1.01 et seq.) and 23 Ill. Adm. Code 226 (Special Education), are achieving the student learning objectives of the district. The description shall include at least the following information and assurances.

a) Information Regarding Objective Tests

- 1) A list of the ready-to-use tests (published by a test company) to be used by the district, including for each a statement of the objective(s) and grade(s) to which each test relates;
- 2) a list of other tests developed by local personnel or custom-developed by others for districtwide

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use, including for each a statement of the objective(s) and grade(s) to which it relates; and

- 3) assurance of each test's validity and reliability, citing the source(s) of evidence used (e.g., publisher's assurance, assurance of district personnel who have matched the assessment approach with the district's curriculum, empirical data and results, or other methods).

b) Information Regarding Procedures Other Than Objective Tests

- 1) A description of the uniform assessment procedures to be used throughout the district, including for each a statement of the objective(s) and grade(s) to which it relates; and
- 2) assurance of each procedure's validity and reliability, citing the source(s) of evidence used (e.g., assurance of district personnel who have matched the assessment approach with the district's curriculum, empirical data and results, or other methods).

Section 210.130 Reporting System

Each Learning Assessment Plan developed pursuant to this Part shall include a description of the system the district will use to annually apprise those who reside within the district's boundaries of the results of its assessment activities. The reporting system shall at least include statements of the degree to which the district's goals, objectives, and expectations for student achievement are being met, and if not, what appropriate actions are being taken. It shall also provide for annual dissemination of this information through:

- a) presentations at a regular school board meeting;
- b) distribution to newspaper(s) of general circulation serving the area in which the school district is located;
- c) distribution to parents of the district's pupils; and
- d) submission to the State Board of Education of a copy of any locally developed information which is disseminated

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to the public to meet the reporting requirements set forth in subsections (a), (b), and (c).

Section 210.140 Learning Assessment Plan Development and Assessment Schedule

a) Plans

School districts shall develop Learning Assessment Plans (for grades 3, 6, 8 and 11), including objectives and assessment systems and a reporting system for the three remaining fundamental learning areas (i.e., other than Language Arts, for which plans and reporting systems were submitted by August 31, 1987; and Mathematics and the Biological and Physical Sciences, for which plans and reporting systems were submitted by August 31, 1988) according to the following schedule:

- 1) Social Sciences by August 31, 1991;
- 2) Fine Arts by August 31, 1992; and
- 3) Physical Development and Health by August 31, 1993.

b) Assessment Schedule

- 1) Initial state and local assessment in each fundamental area of learning for students in grades 3, 6 and 8 shall occur according to the following schedule:
 - A) Reading in the 1987-88 school year (other local objectives in Language Arts may be included in this assessment at the discretion of the local district);
 - B) Mathematics in the 1988-89 school year;
 - C) Language Arts in the 1989-90 school year;
 - D) Biological and Physical Sciences in the 1991-92 school year;
 - E) Social Sciences in the 1992-93 school year;
 - F) Fine Arts in the 1993-94 school year; and

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- G) Physical Development and Health in the 1994-95 school year.
- 2) Initial state and local assessment in each fundamental area of learning for students in grade 11 shall occur according to the following schedule:
- A) Reading in the 1989-90 school year (other local objectives in Language Arts may be included in this assessment at the discretion of the local district);
 - B) Mathematics in the 1990-91 school year;
 - C) Language Arts and Biological and Physical Sciences in the 1991-92 school year;
 - D) Social Sciences in the 1992-93 school year;
 - E) Fine Arts in the 1993-94 school year; and
 - F) Physical Development and Health in the 1994-95 school year.
- 3) Local Assessment related to all State Goals for Learning in each area of learning shall occur annually following the year of initial assessment. Such assessment may occur at any time during the school year, provided that the district samples its students' achievement in the fundamental areas of learning in April of each year. Each local learning objective must be assessed at least once every four years.
- 4) State assessment in the areas of learning will occur in accordance with the following schedule, resulting as of the 1993-94 school year in annual assessment in April in Reading, Mathematics, and Language Arts, and in two of the remaining four Sciences each year, alternating between Social Sciences and Fine Arts on the one hand and Biological and Physical Sciences and Physical Development and Health on the other as illustrated below:

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Year	Areas and Grade Levels
1988-89	Reading (3-6-8) Mathematics (3-6-8)
1989-90	Reading (3-6-8-11) Mathematics (3-6-8) Language Arts (3-6-8)
1990-91	Reading (3-6-8-11) Mathematics (3-6-8-11) Language Arts (3-6-8)
1991-92	Reading (3-6-8-11) Mathematics (3-6-8-11) Language Arts (3-6-8-11) Science (3-6-8-11)
1992-93	Reading (3-6-8-11) Mathematics (3-6-8-11) Language Arts (3-6-8-11) Science (3-6-8-11) Social Sciences (3-6-8-11)
1993-94	Reading (3-6-8-11) Mathematics (3-6-8-11) Language Arts (3-6-8-11) Social Sciences (3-6-8-11) Fine Arts (3-6-8-11)
1994-95	Reading (3-6-8-11) Mathematics (3-6-8-11) Language Arts (3-6-8-11) Science (3-6-8-11) Physical Development/Health (3-6-8-11)

Section 210.150 Learning Assessment Plan Approval

- a) Each school district's Learning Assessment Plans shall be approved by its local school board.
- b) Upon completion of review and approval of a Plan by the local board of education, the school district shall submit to the State Board of Education the assurances contained in Section 210.10(g), which shall be signed by the district superintendent.

- c) If the required assurances have not been received by the State Board of Education within ninety (90) days of the date specified in Section 210.140 of this Part, the district shall be subject to the recognition provisions of 23 Ill. Adm. Code 1. Subpart A, which shall also govern the monitoring of all requirements set forth in this Part.
- d) A Learning Assessment Plan that has been approved by the local board of education pursuant to this Part remains in such status unless the district amends the Plan because of changes in local conditions or local expectations
- e) Amendment(s) must be approved by the local board of education pursuant to the provisions of this Section. Within ninety (90) days of such action, the district shall submit to the State Board of Education the assurances contained in Section 210.10(g) with respect to such amendment(s). The assurances shall be signed by the district superintendent.

SUBPART C: SCHOOL IMPROVEMENT PLAN

Section 210.200 School Improvement Plan Elements

- a) The School Improvement Plan is a plan which specifies what improvement activities will be undertaken by a school district either when its students do not meet locally defined expectations in one or more learning areas, or when students are achieving at sufficient levels to warrant changes in local expectations. The plan will consist of three elements:
- 1) an analysis of local assessment results, including an identification of specific areas in which student learning did not meet local expectations;
 - 2) a description of planned improvement activities with timelines for their implementation; and
 - 3) a description of how and to whom the district has reported the results of its assessment activities as required by Section 210.130 of this Part.
- b) School Improvement Plans will contain assurances that the district will comply with the provisions of Section

2-3.64 of The School Code in relation to improvement plans for individual students.

Section 210.210 School Improvement Plan Development

Each school district will develop a School Improvement Plan by November 15 of each year in which assessment has occurred pursuant to Section 210.140(b) of this Part, and the plan shall include a schedule for implementation to begin no later than the following February 15.

Section 210.220 School Improvement Plan Approval

- a) Each school district's School Improvement Plans shall be approved by its local school board.
- b) Upon completion of review and approval of a plan, the school district shall submit to the State Board of Education the assurances contained in Section 210.10(g), which shall be signed by the district superintendent.
- c) If the required assurances have not been received by the State Board of Education within ninety (90) days of the date specified in Section 210.210 of this Part, the district shall be subject to the recognition provisions of 23 Ill. Adm. Code 1. Subpart A (Public Schools Evaluation, Recognition and Supervision), which shall also govern the monitoring of all requirements set forth in this Part.
- d) A School Improvement Plan that has been approved pursuant to this Part remains continuously in such status until the next School Improvement Plan is approved by the local board of education according to the annual timetable set forth in Section 210.210.

APPENDIX A STATE GOALS FOR LEARNING

LANGUAGE ARTS

The skills and knowledge of the language arts are essential for student success in virtually all areas of the curriculum. They are also a central requirement for the development of clear expression and critical thinking. The language arts include the

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study of literature and the development of skills in reading, writing, speaking, and listening.

As a result of their schooling, students will be able to:

- read, comprehend, interpret, evaluate and use written material;
- listen critically and analytically;
- write standard English in a grammatical, well-organized and coherent manner for a variety of purposes;
- use spoken language effectively in formal and informal situations to communicate ideas and information and to ask and answer questions;
- understand the various forms of significant literature representative of different cultures, eras and ideas;
- understand how and why language functions and evolves.

MATHEMATICS

Mathematics provides essential problem solving tools applicable to a range of scientific disciplines, business, and everyday situations. Mathematics is the language of quantification and logic; its elements are symbols, structures, and shapes. It enables people to understand and use facts, definitions, and symbols in a coherent and systematic way in order to reason deductively and to solve problems.

As a result of their schooling, students will be able to:

- perform the computations of addition, subtraction, multiplication, and division using whole numbers, integers, fractions and decimals;
- understand and use ratios and percentages;
- make and use measurements, including those of area and volume;
- identify, analyze and solve problems using algebraic equations, inequalities, functions and their graphs;

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- understand and apply geometric concepts and relations in a variety of forms;
- understand and use methods of data collection and analysis, including tables, charts and comparisons;
- use mathematical skills to estimate, approximate and predict outcomes and to judge reasonableness of results.

BIOLOGICAL AND PHYSICAL SCIENCES

Science is the quest for objective truth. It provides a conceptual framework for the understanding of natural phenomena and their causes and effects. The purposes of the study of science are to develop students who are scientifically literate, recognize that science is not value-free, are capable of making ethical judgments regarding science and social issues, and understand that technological growth is an outcome of the scientific enterprise.

As a result of their schooling, students will have a working knowledge of:

- the concepts and basic vocabulary of biological, physical and environmental sciences and their application to life and work in contemporary technological society;
- the social and environmental implications and limitations of technological development;
- the principles of scientific research and their application in simple research projects;
- the processes, techniques, methods, equipment and available technology of science.

SOCIAL SCIENCES

Social sciences provide students with an understanding of themselves and of society, prepare them for citizenship in a democracy and give them the basics for understanding the complexity of the world community. Study of the humanities, of which social sciences are part, is necessary in order to preserve the values of human dignity, justice and representative processes. Social sciences include anthropology, economics, geography, government, history, philosophy, political science, psychology and sociology.

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As a result of their schooling, students will be able to:

- understand and analyze comparative political and economic systems, with an emphasis on the political and economic systems of the United States;
- understand and analyze events, trends, personalities, and movements shaping the history of the world, the United States and Illinois;
- demonstrate a knowledge of the basic concepts of the social sciences and how these help to interpret human behavior;
- demonstrate a knowledge of world geography with emphasis on that of the United States;
- apply the skills and knowledge gained in the social sciences to decision-making in life situations.

FINE ARTS

The fine arts give students the means to express themselves creatively and to respond to the artistic expression of others. As a record of human experience, the fine arts provide distinctive ways of understanding society, history and nature. The study of fine arts includes visual art, music, theatre and dance.

As a result of their schooling, students will be able to:

- describe the unique characteristics of each of the arts;
- understand the principal sensory, formal, technical and expressive qualities of each of the arts;
- identify significant works in the arts from major historical periods and how they reflect societies, cultures and civilizations, past and present;
- identify processes and tools required to produce visual art, music, theatre and dance;
- demonstrate the basic skills necessary to participate in the creation and/or performance of one of the arts.

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PHYSICAL DEVELOPMENT AND HEALTH

Effective human functioning depends upon optimum physical development and health. Education for physical development and health provides students with the knowledge and attitudes to achieve healthful living throughout their lives and to acquire physical fitness, coordination and leisure skills.

- As a result of their schooling, students will be able to:
- understand the physical development, structure and functions of the human body;
- understand principles of nutrition, exercise, efficient management of emotional stress, positive self-concept development, drug use and abuse, and the prevention and treatment of illness;
- understand consumer health and safety, including environmental health;
- demonstrate basic skills and physical fitness necessary to participate in a variety of conditioning exercises or leisure activities such as sports and dance;
- plan a personal physical fitness and health program;
- perform a variety of complex motor activities;
- demonstrate a variety of basic life-saving activities.

In pursuing knowledge in these fundamental areas, students must develop an understanding of the interrelationships of knowledge; develop skills in the use of electronic and other applicable technology; and develop their ability to gather, evaluate and synthesize information from a variety of sources.

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1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision

2) Code Citation: 23 Ill. Adm. Code 1

3) Section Numbers: Proposed Action:

1.10 Amendment
1.20 Amendment
1.30 Amendment
1.40 Amendment
1.50 Amendment
1.60 Amendment
1.80 Amendment
1.90 Amendment
1.100 New Section
.Ap. D New Section
.Ap. E New Section
.Ap. F New Section
.Ap. G New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, par. 2-3.25 (105 ILCS 5/2-3.25).

5) A Complete Description of the Subjects and Issues Involved:
The proposed amendments implement the provisions of P.A. 87-559, which called for a new system of public school recognition standards regarding student performance and school improvement, as well as a system of rewards for excellence and interventions for poor performance. The proposed amendments describe the process by which public schools will receive the components of their recognition, and accreditation status and set forth the basis on which the various determinations will be made.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by Reference? Yes.

9) Are there any other proposed amendments pending on this Part? No.

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10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Jon X. Healy
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the Proposed Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION AND SUPERVISION SCHOOL ACCREDITATION

Section	
1.10	<u>Periodic Evaluation Definitions</u>
1.20	<u>Exemption by Public School Approval Section and Regional Superintendent The School Accreditation Process</u>
1.30	<u>Development of Learning Assessment and School Improvement Plans</u>
1.40	<u>Reading Further and Student Performance and School Improvement Requirements</u>
1.50	<u>Three Types of Recognition Status State Assessment</u>
1.60	<u>Reevaluation Operational Compliance</u>
1.70	<u>Effective Dates of Recognition Status Accreditation</u>
1.80	<u>Appellate Academic Watch List</u>
1.90	<u>System of Rewards and Recognition</u>
1.100	<u>Waiver of Rules</u>

SUBPART B: SCHOOL GOVERNANCE

Section	
1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and the School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 175 and 185
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline
1.290	Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section	
1.310	Administrative Responsibilities
1.320	Duties
1.330	Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

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1.410	Determination of the Instructional Program
1.420	Basic Standards
1.430	Additional Criteria for Elementary Schools
1.440	Additional Criteria for High Schools
1.450	Special Programs
1.460	Credit Earned Through Proficiency Examinations
1.462	Uniform Annual Consumer Education Proficiency Test
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1.470	Adult and Continuing Education
1.480	Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section	
1.510	Transportation
1.520	School Food Services
1.530	Health Services
1.540	Pupil Personnel Services

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section	
1.610	Public School Districts
1.620	Accreditation of Staff
1.630	Noncertificated Personnel
1.640	Requirements for Different Certificates
1.650	Transcripts of Credits
1.660	Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section	
1.705	Minimum Requirements for Teachers
1.710	Minimum Requirements for Elementary Teachers
1.720	Minimum Requirements for Teachers of Junior High and Departmentalized Upper Elementary Grades
1.730	Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above
1.735	Requirements to Take Effect on July 1, 1991
1.740	Requirements to Take Effect on July 1, 1994
1.750	Standards for Reading Services
1.760	Standards for Media Services
1.770	Standards for Pupil Personnel Services
1.780	Standards for Special Education Personnel
1.781	Standards for Teachers in Bilingual Education Programs
1.781	Requirements for Bilingual Education Teachers in Grades K-12

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- 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
- 1.790 Substitute Teacher

SECTION 1. APPENDIX A

Professional Staff Certification

SECTION 1. APPENDIX B

Certification Quick Reference Chart

SECTION 1. APPENDIX C

Glossary of Terms

SECTION 1. APPENDIX D

State Goals for Learning

SECTION 1. APPENDIX E

Evaluation Criteria - Student

SECTION 1. APPENDIX F

Performance and School Improvement

SECTION 1. APPENDIX G

Criteria for Determination - State Assessment

AUTHORITY: Implementations 2-3-25, 2-3-43, 2-3-44, 2-3-96, 10-17a, 10-20-14, 10-22-43a, 14C-8, 26-13, 27-12-1, 27-13-1, 27-20-3, 27-20-4, 27-20-5, 27-22, and 27-23-3 and authorized by Section 2-3.6 of the School Code (Ill. Rev. Stat. 1991, ch. 122, pars. 2-3-25, 2-3-43, 2-3-44, 2-3-96, 10-17a, 10-20-14, 10-22-43a, 14C-8, 26-13, 27-12-1, 27-13-1, 27-20-3, 27-20-4, 27-20-5, 27-22, 27-23-3, and 2-3-6) [105 ILCS 5/2-3.25, 5/2-3.43, 5/2-3.44, 5/2-3.96, 5/10-17a, 5/10-20-14, 5/10-22-43a, 5/14C-8, 5/26-13, 5/27-12-1, 5/27-13-1, 5/27-20-3, 5/27-20-4, 5/27-20-5, 5/27-22, 5/27-23-3, and 5/2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1985, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 26, 1988; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: RECOGNITION AND SUPERVISION SCHOOL ACCREDITATION

Section 1.10 Periodic Evaluation Definitions

Each school will be periodically visited for the purpose of recognition. Each evaluation will be led by a representative

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from the Public School Approval Section of the State Board of Education and will include the respective Regional Superintendent or designer.

The following definitions apply to the accreditation system described in this Subpart A.

Accreditation Status: Statements as to the operational compliance, student performance and school improvement, and, if applicable, state assessment determinations for a school made in accordance with this Subpart A.

Benchmark Grade: A grade designated by a school district as one in which students' performance relative to one or more State Goals for Learning will be assessed as identified in the School Improvement Plan for each school.

Expectation: An estimate of the percent of students in a school who will meet the defined standard for a learning outcome.

Educational Indicator: A statistic that tells something about the performance of a school. For a statistic to be an indicator, there must be a standard against which it can be judged. Indicators must meet certain substantive and technical standards that define the kind of information they should provide and the features they should measure. The primary educational indicators are those which quantify or describe student performance. Other important indicators include attendance, graduation, mobility, truancy and dropout rates.

Learning Outcome: A statement of what students should know and be able to do in order to demonstrate achievement of a State Goal for Learning. The content thereof. A learning outcome assesses the content of the State Goal(s) for Learning. It is broader in focus than learning objectives, probes the range and depth of thinking skills appropriate to the State Goals for Learning, is amenable to assessment, may integrate fundamental learning areas, and may reflect problems and tasks found outside the classroom.

Quality Review: The school visitation process in which representatives of the State Board of Education ascertain and/or verify information regarding a school.

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Reliability: Consistency or stability of assessment results.

School: An attendance center within a district as defined by the board of education.

School Accreditation Process: The system described in this Subpart A by which the State Board of Education evaluates schools.

School Improvement: Systematic changes in the educational programs of a school which bring about improved academic achievement over time, as evidenced by data.

School Improvement Plan: A document applicable to a specified school as set forth in Section 1.30 of this Part.

Standard for Learning Outcome: The criteria by which students are determined to have attained a specified level of proficiency in relation to a learning outcome as measured by the assessment(s). A standard is derived from two activities: the identification of a learning outcome and the identification of the assessment method(s) used to measure students' learning related to that learning outcome.

State Goals for Learning: Statements of what students should know and be able to do in each of the fundamental learning areas as a result of their schooling. (See Appendix D.)

Student: A pupil enrolled in a district and assigned to an attendance center.

Student Performance: The achievement of students relative to the standards established for that school and those students.

Validity: The extent to which an assessment method produces appropriate, meaningful, and useful information by way of content reference, sufficiency, and generalizability.

(Source: Amended at Ill. Reg. _____, effective _____)

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Section 1.20 Evaluation by Public School Approval Section and Regional Superintendent The School Accreditation Process

The Public School Approval Section and the Regional Superintendent will determine the extent to which the educational program is meeting the specified requirements of the state.

a) Each public school district shall participate annually in a School Accreditation Process as described in this Subpart A, whereby evidence is provided for each of its schools as to operational compliance, meeting student performance and school improvement standards, and, if applicable, participation in the state assessment.

b) Each school district shall submit an Application for Accreditation for each of its schools by October 1 of each year in the form designated by the State Board of Education. At the times and in the forms determined by the State Board, additional information may also be required concerning the district's school(s), or the school(s) may be visited, to ascertain the appropriate accreditation status for the school(s) or to review a previously assigned accreditation status. Except as provided in Section 1.30 of this Part, each school shall receive a Quality Review visit at least once every five school years to verify or determine the extent to which it is meeting student performance and school improvement standards.

c) The determination as to operational compliance is based upon the requirements imposed by the State Board of Education pursuant to Section 2-3.25 of the School Code (Ill. Rev. Stat., 1991, ch. 122, par. 2-3.25) [105 ILCS 5/2-3.25] and this Part.

d) The determination as to meeting student performance and school improvement standards is based upon evaluation of the educational indicators, learning outcomes and the standards applicable to the learning outcomes and expectations and data collection and validation procedures identified in the School Improvement Plan as required by Sections 1.30 and 1.40 of this Part. The evaluation and scoring criteria for this determination are set forth in Appendices E and F to this Part.

e) The determination as to meeting state assessment standards is based upon the state assessment results exhibited by the students in that school. (See Section

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1.50 of this Part.1. The criteria for this determination are set forth in Appendix G to this Part.

f1

The determinations regarding operational compliance, student performance and school improvement, and, if applicable, state assessment comprise the accreditation status for a school. For schools in which no students are required to participate in the state assessment, an accreditation status will be determined by the degree to which that school meets operational compliance requirements and student performance and school improvement standards.

(Source: Amended at Ill. Reg. __, effective __)

Section 1.30 Development of Learning Assessment and School Improvement Plans

~~Each district shall develop Learning Assessment and School Improvement Plans in accordance with the requirements set forth in 23 Ill. Adm. Code 210 (Learning Assessment and School Improvement Plans).~~

School districts shall ensure that each school makes available to all students instruction in the six fundamental learning areas (Language Arts, Mathematics, Biological and Physical Sciences, Social Sciences, Fine Arts, and Physical Development and Health) as set forth in Section 27-1 of the School Code. Each school district shall ensure that a continuous school improvement process that includes all State Goals for Learning is implemented for each school in the district. School improvement activities for each year must be implemented based on the percentage of students who did not meet state or local standards for the school in the previous year. For each of its schools, the district shall describe the improvement process and report data about the school in a document known as the School Improvement Plan, as set forth herein.

a1 Each school district is accountable for ensuring that each student for which its schools are responsible is provided an instructional program and corresponding curriculum that comprehensively address all the State Goals for Learning. Each school district shall identify at least two grade levels among grades 1-8 and one grade among grades 9-12 as "benchmark grades" for each fundamental learning area, for which the requirements detailed in subsection (d) below will be

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met and documented in a School Improvement Plan. In addition:

11 For schools which do not offer the grades selected as district benchmark grades, districts shall identify substitute grades so that the requirements detailed in this subsection below are met and documented in a School Improvement Plan for at least one grade in every school.

21 Where grade levels are not used to demarcate educational progress in a school, students' performance shall be assessed with respect to all standards for each learning outcome at least once during the period of student attendance, if the attendance center serves students for six or fewer school years, and at least twice during the period of student attendance, if the attendance center serves students for seven or more school years.

b1

Districts may identify different benchmark grades for different learning outcomes within a fundamental learning area, provided that a rationale for doing so is included in the School Improvement Plan.

c1

There shall be prepared for each school a written School Improvement Plan conforming to the requirements of subsection (d) below by June 30, 1994. Districts shall ensure that each School Improvement Plan is reviewed and updated at least annually, subject to the following requirements.

11

School Improvement Plans may be revised at any time, provided that benchmark grades may only be changed as part of an annual Application for Accreditation and with the approval of the State Superintendent of Education. The rationale for the change must be included in the annual Application, and in the School Improvement Plan after approval. If the rationale presented includes evidence that the change is being made for school improvement purposes, the change will be approved.

21

Student achievement at least at the benchmark grades must be evaluated annually to determine whether students' performance is meeting the school's standards.

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31. The programs of instruction at the school must be evaluated annually to determine whether students are being well served by them.

41. Expectations must be established annually, based on student performance data.

51. The development of each School Improvement Plan shall include communication with the staff and community of the specified school, and each plan shall be approved by the district board of education. All revisions to an approved plan shall be communicated to the school staff and community and shall be reported to the district board of education at least annually.

61. School Improvement Plans for the most recent five years are to be kept in the main office of the school and shall be available to all State Board personnel, district personnel, and community members.

71. Each school shall transmit copies of its School Improvement Plan to the principal or chief administrative officer of each other school to or from which its students are promoted, to allow articulation of the instructional program. Magnet schools and any other schools drawing students from or sending them to an indefinite number of other schools shall meet this requirement by making their School Improvement Plans available upon request.

41. Each School Improvement Plan shall include for the school specified in the Plan the following elements for the benchmark grade(s) applicable to the school.

11. An analysis of existing conditions, including: demographic characteristics of the student population, accounting for all students and identifying student groups within the population (i.e., at least those who are receiving special education services or Chapter 1 services, are participating in a gifted or vocational education program, have limited English proficiency, or are of various gender, racial, socio-economic or other groups which warrant description or emerge as a

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result of analysis of data; factors which may affect student learning; and the needs of students relating to learning outcomes as perceived by school staff.

21. A list of the school's learning outcomes, standards, and expectations. Until October 1, 1995, learning objectives developed pursuant to the Requirements of 23 Ill. Adm. Code 210 (Learning Assessment and School Improvement Plans) may be substituted for learning outcomes as a transitional measure. As of October 1, 1995, learning outcomes must be established pursuant to Section 1.40 of this Part.

31. A description of the assessment system used to determine the extent to which students are achieving learning outcomes.

41. An analysis of the performance of students, including analyses specific to the groups identified pursuant to subsection (d)(1) above, based on the results of assessment conducted in accordance with this Subpart A.

51. A discussion of the extent to which students are being served, and the degree of improvement in student performance in meeting standards for learning outcomes over time, including specific reference to the groups identified pursuant to subsection (d)(1) above, and of the factors that may have contributed to successes and failures.

61. Statements of new expectations and priorities for school improvement activities based on evaluation conclusions, with emphasis on students who did not meet standards.

71. A description of reporting procedures which inform the public at least annually about the extent to which standards for the school relative to learning outcomes for each State Goal for Learning were met, specify new expectations for the school, and describe priorities for school improvement activities.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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Section 1.40 Pending further Audit Student Performance and School Improvement Requirements

"Pending further Audit" may be assigned to a district just visited because of limited violations which could be corrected within the current school year. This is a temporary condition and not an official recognition status.

The degree to which each school meets student performance and school improvement standards shall be based upon information provided in compliance with the requirements of Section 1.40 of this Part, Appendices E and F to this Part, and the following additional requirements.

a) Requirements for an Analysis of Existing Conditions

- 1) Maintenance of information on the student population of the school as to attendance, truancy, mobility, retention, and expulsion rates. Graduation rates and dropout rates are to be maintained for all high schools.

- 2) Inquiry as to the needs of students related to learning outcomes and on community characteristics which may affect student learning as perceived by school staff and the school community, with a rationale for selection.

b) Requirements for Learning Outcomes, Standards, and Expectations

- 1) Establishment of measurable learning outcomes for all students in at least the benchmark grades which define what students should know and be able to do in order to achieve the State Goals for Learning which are consistent with the primary purpose of schooling, as set forth in Section 27-1 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-1) [105 ICS 5/27-1]; and which are consistent with, and in total are at least as comprehensive as, the State Goals for Learning, and are developed in communication with school staff and the school community. There must be a formal and consultative process for developing learning outcomes and a rationale for the process and for the resulting outcomes. There must be formal alignment of the curriculum with the learning outcomes. Until October 1, 1995.

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learning objectives may be substituted for learning outcomes as a transitional measure.

21

Establishment of standards for all learning outcomes as defined in Section 1.10 of this Part. There must be a formal and consultative process for setting standards and a rationale for the process and for the resulting standards. Until October 1, 1995, standards for learning objectives developed pursuant to the requirements of 23 Ill. Adm. Code 210 (Learning Assessment and School Improvement Plans) may be substituted for standards for learning outcomes as a transitional measure.

31

Establishment of expectations for performance related to the achievement of all learning outcomes relevant to that school. There must be a formal and consultative process for establishing expectations and a rationale for the process and for the resulting expectations. Until October 1, 1995, expectations for performance related to the achievement of learning objectives may be substituted for expectations for performance related to the achievement of learning outcomes as a transitional measure.

41

Learning outcomes addressing the Language Arts, Mathematics, the Biological and Physical Sciences, the Social Sciences and the Fine Arts shall have been developed before the 1993-94 school year, pursuant to the applicable requirements of 23 Ill. Adm. Code 210 (Learning Assessment and School Improvement Plans). Learning outcomes addressing Physical Development and Health shall be completed by October 1, 1994.

c1

Requirements for Assessment Systems

11

Development and implementation of an assessment system which enables determinations as to the extent to which all students enrolled in the school at least in the benchmark grades are meeting standards applicable to the relevant learning outcomes. The assessment system must include alternative assessment tests or procedures for students with disabilities or limited English proficiency.

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- 2.) A full description of each assessment test or procedure, including whether it is commercially published, developed by district personnel, or obtained elsewhere (such as from another district); whether it is a forced-choice/short answer or complex generated response assessment; the learning outcome(s) and grade(s) or course(s) of instruction for which it will be used; and the procedure and rationale for its selection.
- 3.) Documentation of validity and reliability claims for each assessment test or procedure, citing the source(s) of evidence used.
- 4.) Documentation of claims of nondiscrimination for each assessment test or procedure with respect to race, gender, and disability, citing the source(s) of evidence used.
- 5.) Identification of the grade(s) at which assessment takes place. Student performance relative to each State Goal for Learning shall be assessed every school year at least at the benchmark grades for the specific goal.
- 6.) Results of all assessment conducted in accordance with this Subpart shall be maintained for the five most recent school years.
- 7.) Copies of current assessment instruments and full descriptions of current assessment procedures (other than for the state assessment) shall be maintained for inspection by the State Board of Education staff upon request.
- 8.) All students enrolled in at least the benchmark grades shall be administered the assessment instruments and procedures as defined in the standards for those grades, except that a student with limited English proficiency or a disability shall be assessed with an alternative assessment test or procedure if, in the judgment of the district, the uniform assessment test or procedure cannot be administered in a valid, reliable and nondiscriminatory manner as to that student after reasonable accommodation is made for the student or if an alternative assessment is specified in

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- the student's Individualized Education Program pursuant to 23 Ill. Adm. Code 226.562(a)(5). Records of the progress of all students on learning outcomes shall be maintained.
- 2.) All assessment procedures shall be based on good testing practice, as described in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association. (No later amendments to or editions of these standards are incorporated by this rule.)
 - 10.) A variety of assessment instruments and procedures that address the scope, content, and specificity of each learning outcome shall be used. Data or results from the Illinois Goal Assessment Program may be used to inform student performance and school improvement decisions but the Illinois Goal Assessment Program may not be utilized to meet the assessment requirements of this Section.
 - 11.) All assessment practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (1988) published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association and National Council on Measurement in Education. (No later amendments to or editions of this code are incorporated by this rule.)
 - 12.) Each district shall ensure the availability of reasonable accommodations for participation in the assessment test or procedure or alternative test or procedure by students with disabilities or limited English proficiency.
 - 13.) Districts shall protect the security and confidentiality of all questions and other materials which are considered part of a secured or confidential assessment test or procedure, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.
- d.) Requirements for the Analysis of Student Performance Data

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- 1) There must be a systematic collection and analysis of student performance data as they become available, with emphasis on longitudinal assessment data by standard for each learning outcome, with an indication of the percent of students assessed, including those in identified groups in the school's student population, who met the standards.
 - 2) Annual data and trend data collected on student performance must be used in considering ways to improve student achievement and the programs of instruction at the school relative to the standards established for meeting the learning outcomes.
- Requirements for the Evaluation of Student Performance and School Programs
- 1) Student achievement and the programs of instruction at the school must be evaluated at least annually to help determine whether all students are being served.
 - 2) Inquiry is to be conducted on possible common characteristics of students at the school who consistently are not meeting standards for learning outcomes, for use in identifying groups within the school's student population whose performance will be monitored for the coming year.
 - 3) Program evaluation must be conducted to identify probable causes for the failure of students, including those in identified groups within the student population, to meet standards for learning outcomes, if applicable.
- Requirements for the Review of Expectations and Program Improvements
- 1) Expectations for students at the school must be reviewed annually based on longitudinal student performance data.
 - 2) School improvement activities must be implemented based on:

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- A) the percentage of students who did not meet standards for the learning outcomes established for the school; and
 - B) other educational indicators.
- Requirements for Reporting to the Public
- 1) Each school district shall develop and implement a reporting system to inform the public at least annually of the extent to which standards for achieving learning outcomes are being met and, if not, what appropriate actions are being taken. The reporting system shall provide for dissemination of this information for each school through all of the following:
 - A) presentations at regular school board meetings;
 - B) distribution to newspapers of general circulation and other news media serving the area in which the school district is located; and
 - C) distribution to parents of the district's pupils.
 - 2) Interpretation of student performance data must be provided as appropriate for each of the audiences identified in subsection (1) above.
- Determination of the Student Performance and School Improvement component of the Accreditation Status for a school.
- 1) Pursuant to the annual School Accreditation Process, each school will receive from the State Board of Education a determination reflecting the degree to which it meets the requirements of this section for student performance and school improvement, based on the evaluation criteria set forth in Appendix F and the scoring criteria set forth in Appendix F to this Part.
 - A) The determination will be either:

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- i. Exceeds Student Performance and School Improvement Standards.
- ii. Meets Student Performance and School Improvement Standards.
- iii. Does Not Fully Meet Student Performance and School Improvement Standards; or
- iv. Does Not Meet Student Performance and School Improvement Standards.

B. No school shall be determined either to exceed or not to meet student performance and school improvement standards until it has been visited by State Board staff to verify the relevant information submitted.

- 2. Within 30 days of the issuance of the student performance and school improvement determination, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the determination with representatives of the State Board of Education. If within the 30-day period the superintendent does not request a conference, the determination will become final.

- 3. If a conference is requested for a school which received a determination of Does Not Meet Student Performance and School Improvement Standards and the areas of concern are not resolved, the school board may submit an appeal of the determination by adopted board resolution. The appeal must identify the specific findings with which the district disagrees. Within 30 days of receipt of an appeal, the State Superintendent will appoint a three-member appeal panel to hear the appeal.

- 4. The district will be given an opportunity to present any information relevant to the determination issues appealed. Following the district's presentation, State Board staff may present information relevant to the district's presentation. The appeal panel will submit its recommendations to the State Superintendent, who will issue a final written determination in each case.

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- 3. School districts may submit amendments to the annual Application for Accreditation to substantiate changes in the data or the data collection and validation procedures for reevaluation of their student performance and school improvement determination. Amendments shall be submitted on forms specified by the State Board.

(Source: Amended at __ Ill. Reg. __, effective ____)

Section 1.50 three Types of Recognition Status State Assessment there are three types of recognition status: Full Recognition, Probationary Recognition, and Nonrecognition.

- a) Full Recognition is granted to a school district or attendance center which has undergone an on-site evaluation by representatives of the State Board of Education, Public School Approval Section and the respective Regional Superintendent, and
- 1) meets the minimal standards required of all elementary and secondary schools; and
- 2) has submitted an Annual Application for Recognition.

- b) Probationary Recognition is given to a school district or attendance center which has not met these minimal standards. Probationary Recognition is a warning that the school district shall make certain improvements.

- c) Nonrecognition is given to a school district or attendance center which fails to submit an Annual Application for Recognition, fails to meet legal requirements, or fails to give evidence of meeting minimal standards. A school district which fails any school year to maintain a recognized school shall not be eligible to file, for each year, any claim upon the common school fund or collection from another school district. (Section 4-8 of the School Code)

The State Board of Education shall develop and administer assessment instruments and other procedures for all six fundamental learning areas. All students shall participate in the Illinois Goal Assessment Program (IGAP) in language arts.

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mathematics, science, and social sciences with the exception of students who do not participate pursuant to Section 2-3.64 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3.64) (105 ILCS 5/2-3.64). Samples of students identified by the State Board shall participate in IQAP special studies in the fine arts and physical development and health.

a) Development and Participation

- 1) Assessment instruments and procedures shall meet the generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association. (No later amendments to or editions of these standards are incorporated by this rule.)
- 2) Schools shall participate in special studies, tryouts, pilot testing, field testing, and/or norm testing of these assessment procedures and instruments when selected to do so by the State Board.
- 3) A school shall be selected for participation in these special studies, tryouts, pilot testing, and/or field testing no more than once every five years.

4) All students who are required to participate under Section 2-3.64 of the School Code shall be administered the state assessment. It is the responsibility of each district to ensure that all students required to participate in the state assessment do so.

5) District personnel must be able to document that the performance of students who are exempt from the state assessment is being evaluated and that information about the procedures, instruments, results, and analysis is available for review.

6) Each district shall ensure the availability of reasonable accommodations for participation in the state assessment by students with disabilities and limited English proficiency.

b) Assessment Procedures

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1) All assessment procedures and practices shall be based on fair testing practices, as described in Code of Fair Testing Practices in Education" (1988) published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education. (No later amendments to or editions of this code are incorporated by this rule.)

2) Districts shall protect the security and confidentiality of all assessment questions and other materials which are considered part of the approved IQAP assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.

c) Reports of State Assessment Results

1) The State Board shall send each school and district a report for the school containing the following information from the results of each IQAP assessment in language arts, mathematics, science, and social sciences:

A) results for all students to whom the IQAP was administered.

B) summary data for the school and/or district, the state, and the nation, including but not limited to the appropriate raw and/or scale score averages, comparison scores, bands, and distributions of students whose IQAP scores exceed, meet, and fail to meet the state standards in each fundamental learning area.

2) The IQAP assessment results (including IQAP scores and performance standards) for school improvement purposes. Individual or aggregate scores shall not become part of a student's permanent record or be used for grading, promotion, retention, graduation, or personnel evaluation.

d) Each school that includes grades for which the state assessment is administered will receive from the State Board of Education an annual determination reflecting the degree to which the performance of the students at

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the school meets state assessment standards. This determination will be based upon all state assessment scores achieved by students in the school. Each such score will be classified as exceeding, meeting, or not meeting state assessment standards, as reflected in Appendix G to this Part. All of the school's test score classifications will form one distribution and, based on that distribution, the state assessment determination will be either:

- 1) Exceeds State Assessment Standards (at least 90% of all test scores meet state standards, and at least 50% of all test scores exceed state standards);
- 2) Meets State Assessment Standards (at least 50% of all test scores meet state standards); or
- 3) Does Not Meet State Assessment Standards (50% or more of all test scores do not meet state standards).

e1

Within 30 days of the issuance of a school's state assessment determination, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the determination with representatives of the State Board of Education. If within the 30-day period the superintendent does not request a conference, the determination will become final.

- 1) If a conference is requested by a superintendent on behalf of a school which received a determination of Does Not Meet State Assessment Standards and the areas of concern are not resolved, the school board may submit an appeal of that designation by adopted board resolution. The appeal must identify the specific state assessment issues raised. Within 30 days of receipt of an appeal, the State Superintendent shall appoint a three-member appeal panel to hear the appeal.

- 2) The district will be given an opportunity to present any information relevant to the determination issues appealed. Following the district's presentation, State Board staff may present information relevant to the district's

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presentation. The appeal panel will submit its recommendations to the State Superintendent, who will issue a final written determination in each case.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1.60 Reevaluation Operational Compliance

School districts assigned Probationary Recognition or Nonrecognition status may request reevaluation by the State Board of Education to substantiate corrections of the areas of noncompliance previously cited.

Each school will receive from the State Board of Education a determination reflecting the degree to which it adheres to operational compliance requirements.

- a) Operational compliance determinations are Full Compliance, Pending Compliance, Probationary Compliance, and Nonrecognition. A school is recognized if it is determined to be in Full Compliance. Pending Compliance, or Probationary Compliance. Therefore, a school may be recognized, but its Accreditation Status is not complete until the two components of its determination (student performance and school improvement and the state assessment) have also been determined.

- 1) The Full Compliance determination shall be granted to each school which meets the minimal operational requirements imposed by the State Board pursuant to Section 2-3.25 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3.25) (105 ILCS 5/2-3.25) and this Part.

- 2) The Pending Compliance determination shall be given to each school which has identified deficiencies that are in the process of being corrected during the school year.

- 3) The Probationary Compliance determination shall be given to each school which has not met these minimal requirements. The school district must submit a plan for the correction of the cited deficiencies.

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- 4) The Nonrecognition determination shall be given to any school which fails to submit an annual Application for Accreditation, fails to meet legal requirements, or fails to give evidence of meeting minimal operational requirements.

b) Within 30 days of the issuance of an operational compliance determination, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the determination with representatives of the State Board of Education. If within the 30-day period the superintendent does not request a conference, the determination shall become final.

- 1) If a conference is requested by a superintendent on behalf of a school which received a determination of Nonrecognition and the areas of concern are not resolved, the school board may submit an appeal of the determination by adopted board resolution. The appeal must identify the specific findings with which the district disagrees. Within 30 days of receipt of an appeal, the State Superintendent shall appoint a three-member appeal panel to hear the appeal.

- 2) The district will be given an opportunity to present any information relevant to the recognition determination issues appealed. Following the district's presentation, State Board staff may present information relevant to the district's presentation. The appeal panel will submit its recommendations to the State Superintendent, who will make a final recommendation to the State Board.

c) For any school assigned Probationary Compliance or Nonrecognition status, the district may at any time request reevaluation by the State Board of Education to verify corrections made by the district as to the areas of noncompliance previously cited.

(Source: Amended at — Ill. Reg. —, effective —)

Section 1.70 Effective Dates of Recognition-Status Accreditation

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the recognition status of all districts shall be effective from July 1 to the next succeeding June 30.

- a) The Operational Compliance determination of each school shall be effective from July 1 to the next succeeding June 30.

b) The Student Performance and School Improvement determination shall be effective upon completion of the Accreditation Process and shall remain in effect until the next Accreditation Process is completed and a new determination is made by the State Board.

- c) The state assessment determination for a school shall be effective upon completion of the state assessment process and shall remain in effect until completion of the state assessment process for the next school year.

(Source: Amended at — Ill. Reg. —, effective —)

Section 1.80 Appeals Academic Watch List

the following procedure shall be used for all appeals concerning recognition:

- e) Level: I

1) At the conclusion of each evaluation visit to a local school district, the educational specialist (team leader) in charge of the visit conducts a summary conference. At this point, each item that was determined to be below minimal standards, or is an area of concern, is discussed.

2) The superintendent of the district has the opportunity during this conference to challenge, directly and through designees, any comment made by the educational specialist (team leader). If the team leader is convinced that the item should not be included in the written report, it shall be removed.

3) This summary conference represents the first level of the appeal process.

- b) Level: II

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1+) The educational specialist who conducts the visit writes a formal report indicating the areas of noncompliance and any time limitations for making corrections prior to the dissemination of the written report. The Manager of the Public School Approver Section may revise the points of concern or recommendation.

2+) The superintendent of the school district has forty-five (45) days after receiving the written report to submit a formal written reaction to listed areas of noncompliance. The local board of education superintendent may appeal a recommendation based on documented evidence presented by the district through the Regional Superintendent.

Level III

The Public School Approval Recognition Committee consisting of the Public School Approval staff meets four times during the school year. This committee discusses and considers recommendations for recognition status of districts that have been visited. Prior to these meetings, the Regional Superintendent is notified that a particular school district in the region is going to be discussed and that the recommendation for recognition will be the Regional Superintendent and one representative from the school district to be discussed are invited to attend. (The Regional Superintendent has the option of supporting the district depending on the posture taken in reference to the discrepancies.) This action provides another level of appeal and provides the school district an additional element of the process. Following the committee meeting, those school districts recommended for less than full recognition status receive a certified letter, a copy of which is sent to the Regional Superintendent, informing that office of the recommended status.

Level IV

At the final meeting of the Public School Approval Recognition Committee, all school districts that were previously recommended for less than full recognition status and those visited in the last quarter are discussed. Again, Regional Superintendents are invited

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to attend the meeting, along with a representative of the school district. A recommendation for a lowered recognition status that is a result of the fourth quarterly conference is sent by certified mail to the district superintendent. A copy of that recommendation is sent to the Regional Superintendent.

Level V

1+) Local school districts that wish to appeal the recommendations of the Public School Approval Recognition Committee may do so by filing a formal statement of appeal within fourteen (14) days of receipt of the letter of notification. Following the last quarterly meeting, the appeal notice shall be submitted to the Regional Superintendent and the Assistant Superintendent, Department of Recognition and Supervision, State Board of Education. Within seven (7) days of receipt of the appeal notice, the Assistant Superintendent, Department of Recognition will conduct a hearing and will review all the pertinent information including the procedures which led to the recommended recognition status. Local districts shall have the opportunity to present evidence that the program of service in question meets the purpose behind a given regulation.

2+)

The five member Appeals Committee shall be composed of three assistant superintendents and a member of the legal staff from the State Board of Education. The fifth member of the Appeals Committee shall be appointed by the State Superintendent of Education and will not be an employee of the State Board of Education. The Chair shall be appointed by the State Superintendent.

3+)

The Committee's findings shall be forwarded to the State Superintendent of Education with a specific recommendation. The decision of the State Superintendent of Education, who may accept or reject the committee's recommendation, shall be a final administrative decision.

4+)

The school district shall be notified of the decision within fifteen (15) days of the conclusion of the hearing.

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Schools which include grades at which the state assessment is administered that receive the determination of Do Not Meet Student Performance and School Improvement Standards and Do Not Meet State Assessment Standards as set forth in this Subpart shall be placed on an Academic Watch List pursuant to Sections 2-3.25d through 2-3.25f of the School Code. Schools which do not include grades at which the state assessment is administered that receive the determination of Do Not Meet Student Performance and School Improvement Standards as set forth in this Subpart shall be placed on an Academic Watch List pursuant to Sections 2-3.25d through 2-3.25f of the School Code.

(Source: Amended at — Ill. Reg. ____, effective ____)

Section 1.90 System of Rewards and Recognition

A school which includes grades at which the state assessment is administered that is assigned and maintains a determination of Exceeds Local Student Performance and School Improvement Standards and is assigned and maintains a determination of Exceeds State Assessment Standards will be eligible to receive rewards at which special recognition during the school year which such determination is maintained. A school which is assigned and maintains a determination of Exceeds Student Performance and School Improvement Standards will be eligible to receive rewards and special recognition during the period for which such determination is maintained. Rewards will be as determined by the State Board of Education and may be:

- a) an extension of the schedule for Quality Review visits to no less than once in every seven school years;
- b) statewide recognition from the State Board;
- c) participation in programs and activities of the State Board.

(Source: Added at — Ill. Reg. ____, effective ____)

Section 1.100 Waiver of Rules

- a) In order to request a waiver as authorized in Section 2-3.25g of the School Code, the school board or independent authority representing the school must complete the waiver request form designated by the State Board and approve the submission of the request.

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at a public board meeting. The State Superintendent will review the waiver request as to the impact of the waiver, if granted, on school improvement issues. The State Superintendent may request additional information or assurances from the district. The decision of the State Superintendent to grant or deny the waiver is final.

- b) A panel of persons interested in student performance and school improvement issues will review all waivers acted upon by the State Superintendent. The panel will periodically forward to the State Superintendent recommendations on the issues raised in waiver requests.

- c) A request to extend an approved waiver shall be made in the same manner and on the same form as an original waiver request and shall be approved or disapproved in the same manner as an original request.

- d) "School Improvement Issues" means those issues which arise in the course of preparing for or implementing the procedures or requirements of this Subpart.

(Source: Added at — Ill. Reg. ____, effective ____)

Section 1. Appendix D State Goals for Learning

LANGUAGE ARTS

The skills and knowledge of the language arts are essential for student success in virtually all areas of the curriculum. They are also a central requirement for the development of clear expression and critical thinking. The language arts include the study of literature and the development of skills in reading, writing, speaking, and listening.

As a result of their schooling, students will be able to:

read, comprehend, interpret, evaluate and use written material.

listen critically and analytically;

write standard English in a grammatical, well-organized and coherent manner for a variety of purposes;

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use spoken language effectively in formal and informal situations to communicate ideas and information and to ask and answer questions;

understand the various forms of significant literature representative of different cultures, eras and ideas;

understand how and why language functions and evolves.

MATHEMATICS

Mathematics provides essential problem solving tools applicable to a range of scientific disciplines, business, and everyday situations. Mathematics is the language of quantification and logic; its elements are symbols, structures, and shapes. It enables people to understand and use facts, definitions, and symbols in a coherent and systematic way in order to reason deductively and to solve problems.

As a result of their schooling, students will be able to:

perform the computations of addition, subtraction, multiplication, and division using whole numbers, integers, fractions and decimals;

understand and use ratios and percentages;

make and use measurements, including those of area and volume;

identify, analyze and solve problems using algebraic equations, inequalities, functions and their graphs;

understand and apply geometric concepts and relations in a variety of forms;

understand and use methods of data collection and analysis, including tables, charts and comparisons;

use mathematical skills to estimate, approximate and predict outcomes and to judge reasonableness of results.

BIOLOGICAL AND PHYSICAL SCIENCES

Science is the quest for objective truth. It provides a conceptual framework for the understanding of natural phenomena

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and their causes and effects. The purposes of the study of science are to develop students who are scientifically literate, recognize that science is not value-free, are capable of making ethical judgments regarding science and social issues, and understand that technological growth is an outcome of the scientific enterprise.

As a result of their schooling, students will have a working knowledge of:

the concepts and basic vocabulary of biological, physical and environmental sciences and their application to life and work in contemporary technological society;

the social and environmental implications and limitations of technological development;

the principles of scientific research and their application in simple research projects;

the processes, techniques, methods, equipment and available technology of science.

SOCIAL SCIENCES

Social sciences provide students with an understanding of themselves and of society, prepare them for citizenship in a democracy, and give them the basics for understanding the complexity of the world community. Study of the humanities, of which social sciences are a part, is necessary in order to preserve the values of human dignity, justice and representative processes. Social sciences include anthropology, economics, geography, government, history, philosophy, political science, psychology and sociology.

As a result of their schooling, students will be able to:

understand and analyze comparative political and economic systems, with an emphasis on the political and economic systems of the United States;

understand and analyze events, trends, personalities, and movements shaping the history of the world, the United States and Illinois;

demonstrate a knowledge of the basic concepts of the social sciences and how these help to interpret human behavior;

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demonstrate a knowledge of world geography with emphasis on that of the United States;

apply the skills and knowledge gained in the social sciences to decision-making in life situations.

FINE ARTS

The fine arts give students the means to express themselves creatively and to respond to the artistic expression of others. As a record of human experience, the fine arts provide distinctive ways of understanding society, history and nature. The study of fine arts includes visual art, music, theatre and dance.

As a result of their schooling, students will be able to:

describe the unique characteristics of each of the arts;

understand the principal sensory, formal, technical and expressive qualities of each of the arts;

identify significant works in the arts from major historical periods and how they reflect societies, cultures and civilizations, past and present;

identify processes and tools required to produce visual art, music, theatre and dance;

demonstrate the basic skills necessary to participate in the creation and/or performance of one of the arts.

PHYSICAL DEVELOPMENT AND HEALTH

Effective human functioning depends upon optimum physical development and health. Education for physical development and health provides students with the knowledge and attitudes to achieve healthful living throughout their lives and to acquire physical fitness, coordination and leisure skills.

As a result of their schooling, students will be able to:

understand the physical development, structure and functions of the human body;

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understand principles of nutrition, exercise, efficient management of emotional stress, positive self-concept development, drug use and abuse, and the prevention and treatment of illness;

understand consumer health and safety, including environmental health;

demonstrate basic skills and physical fitness necessary to participate in a variety of conditioning exercises or leisure activities such as sports and dance;

plan a personal physical fitness and health program;

perform a variety of complex motor activities;

demonstrate a variety of basic life-saving activities.

In pursuing knowledge in these fundamental areas, students must develop an understanding of the interrelationships of knowledge; develop skills in the use of electronic and other applicable technology; and develop their ability to gather, evaluate and synthesize information from a variety of sources.

(Source: Added at Ill. Reg. _____, effective _____)

Section I, Appendix E Evaluation Criteria - Student Performance and School Improvement Determination

GLOSSARY OF TERMS

These definitions are specific to this Appendix E.

Comprehensive: All dimensions of a State Goal for Learning with regard to scope, content, specificity, skills, and type of thinking required are addressed.

Consultative: Conducted in a manner that solicits input from staff, students, parents, and community.

Diverse Assessment: Using more than one type of assessment in constructing a standard. Types selected as dimensions of a standard must not be exclusively forced choice/short answer (e.g., multiple choice, true/false, matching, fill in the blank) and must be appropriate to the range and depth of the content and thinking skills of a learning outcome.

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Evidence: The documented information on which a judgment or conclusion may be based, establishing the likelihood of probability that a claim is credible, "competent evidence" establishes a high likelihood or probability, removing uncertainties or doubts on the part of the evaluator.

Format: Following a purposeful, regulated and documented pattern of activity or form.

Methods of Assessment: Tests and procedures used to measure student performance in meeting the standards for a learning outcome. These assessments must relate to a learning outcome, identify a particular kind of evidence to be evaluated, define exercises that elicit that evidence, and describe systematic scoring procedures. Methods of assessment are classified as either forced choice/short answer or complex generated response.

Forced choice/short answer: Students must select correct responses from a range of alternative responses provided in the assessment instrument and/or procedure or supply a word or short phrase to answer a question or complete a statement.

Complex generated response: A non-forced choice exercise in which a student provides evidence of specific knowledge or skills. The evidence might be in the form of a written essay, performance, product or other type of presentation.

Students: Those pupils who performance is assessed in compliance with the requirements of Subpart A of this Part and this Appendix E.

Systematic: Integral to the process for implementing and monitoring improvement in school and student performance and occurring at least annually.

Assignment of Point Values
for
School Improvement Components

Points will be awarded to schools based upon the evaluation criteria set forth below. The numbers in the left margin

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represent the range of point values which may be assigned to a school for each of the areas listed. In order for a school to receive the number of points shown, all conditions described in the corresponding scoring criterion must exist. The total score for a school will result in a student performance and school improvement determination in accordance with the criteria shown in Appendix F.

1 Analysis of Existing Conditions

1-1 Description of student population, identification of significant groups in the population relevant to learning outcomes and consideration of attendance variables.

1 There is little or no evidence that demographic information is maintained on the student population of the school for the purpose of identifying significant groups in the population of learners to be monitored for performance.

2 Demographic information on the student population of the school is limited:
- Gender, racial, or socio-economic groups or other groups in the student population which warrant description or emerge as a result of analysis of data are identified.

- Student attendance, truancy, mobility, retention, and expulsion rates are maintained. Graduation and dropout rates are maintained for high schools. There is no evidence that these performance indicators are consulted when considering factors which may affect student learning.

3 The total student population of the school is described in terms of characteristics which may affect student learning. All students are accounted for.

- Gender, racial, or socio-economic groups or other groups in the student population which warrant description or emerge as a result of analysis of data whose performance data will be disaggregated are identified.

- A rationale is documented for the selection of identified groups within the student population.
- Student attendance, truancy, mobility, retention, and expulsion rates are maintained. Graduation and dropout rates are maintained for high schools. These performance indicators are informally consulted when considering factors which may affect student learning.

4 The total student population of the school is described in terms of characteristics which may affect student learning. All students are accounted for.

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- Gender, racial, or socio-economic groups or other groups in the student population which warrant description or emerge as a result of analysis of data whose performance data will be disaggregated are identified.
- A rationale is documented for the selection of identified groups within the student population based on formal and systematic identification procedures.
- Student attendance, truancy, mobility, retention, and expulsion rates are maintained. Graduation and dropout rates are maintained for high schools. These performance indicators are formally and systematically consulted when considering factors which may affect student learning.

1-2 Perceived student needs derived from staff and/or the community and community characteristics which may affect student learning.

- 1 There is little or no evidence that inquiry is conducted on the needs of students in the school related to learning outcomes as perceived by school staff and the school community and the school community or on community characteristics which may affect student learning.
- 2 Evidence exists that information on the needs of students in the school related to learning outcomes as perceived by school staff and the school community is occasionally and informally elicited.
- Evidence exists that informal inquiry is conducted to explain how community characteristics may affect student learning.
- 3 Compelling evidence exists that information on the needs of all students in the school related to learning outcomes as perceived by school staff and school community representatives is formally and systematically collected.
- Evidence exists that informal inquiry is conducted to explain how community characteristics may affect student learning; or
- Evidence exists that information on the needs of all students in the school related to learning outcomes as perceived by school staff and school community representatives is occasionally and informally elicited.
- Compelling evidence exists that formal inquiry is conducted to explain how community characteristics may affect student learning.
- 4 Compelling evidence exists that information on the needs of all students in the school related to learning outcomes as

perceived by school staff and school community representatives is formally and systematically collected. Compelling evidence exists that formal inquiry is conducted to explain how community characteristics may affect student learning.

2 Learning Outcomes, Standards, and Expectations

2-1 Learning Outcomes

1 There is little or no evidence that learning outcomes have been developed.

2 Comprehensive learning outcomes aligned with some State Goals for Learning exist for the school and are written in some fundamental learning areas for at least 2 grades for a 1-8 attendance center or for at least one grade for a middle school/junior high, high school or primary attendance center with fewer than 8 grades.

- The process for developing learning outcomes is informal and limited in participation of school staff and in communication with students, parents and the school community.

- Alignment of curriculum with learning outcomes is informal and not systematic.

3 Comprehensive learning outcomes aligned with all required State Goals for Learning exist for the school and are written in all fundamental learning areas for at least 2 grades for a K-8 attendance center or for at least one grade for a middle school/junior high, high school, or primary attendance center with fewer than eight grades.

- The process for developing learning outcomes is informal and limited in participation of school staff and in communication with students, parents and the school community.

- There is some alignment of the curriculum with learning outcomes.

4 Comprehensive learning outcomes aligned with all the State Goals for Learning exist for the school and are written in all fundamental learning areas for at least 2 grades for a 1-8 attendance center or for at least one grade for a middle school/junior high, high school, or primary attendance center with fewer than eight grades.

- Learning outcomes address the content of State Goal(s) for learning; are broader in focus than a learning objective; probe the range and depth of thinking skills appropriate to

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- the State Goal(s) for Learning; and are amenable to assessment.
- The process for developing learning outcomes includes a systematic review cycle and includes participation of school staff and communication with students, parents, and the school community in the deliberative process. Both the rationale for this process and the rationale for the resulting learning outcomes are evident.
- There is formal and systematic alignment of the curriculum with learning outcomes.
- 5 Comprehensive learning outcomes aligned with all State Goals for Learning exist for the school and are written in all fundamental learning areas for at least 50% of the grades at the attendance center.
- Learning outcomes address the content of State Goal(s) for Learning; are broader in focus than a learning objective; probe the range and depth of thinking skills appropriate to the State Goal(s) for Learning; and are amenable to assessment. Some learning outcomes integrate fundamental learning areas when appropriate and reflect problems and tasks outside the classroom.
- The process for developing learning outcomes includes a systematic review cycle and includes participation of school staff and communication with students, parents, and the school community in the deliberative process. Both the rationale for this process and the rationale for the resulting learning outcomes are evident.
- There is formal and systematic alignment of the curriculum with learning outcomes.
- 6 For elementary, middle schools and junior high schools, comprehensive learning outcomes aligned with all State Goals for Learning are written in all fundamental learning areas for all grades.
- For high schools, learning outcomes aligned with the State Goals for Learning are written in all fundamental learning areas. There is comprehensive coverage of all State Goals for Learning in all fundamental learning areas throughout the scope of the high school program.
- Learning outcomes address the content of State Goal(s) for Learning; are broader in focus than a learning objective; probe the range and depth of thinking skills appropriate to the State Goal(s) for Learning; and are amenable to assessment. Learning outcomes integrate fundamental learning areas when appropriate and reflect problems and tasks outside the classroom.

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- The process for developing learning outcomes includes a systematic review cycle and includes participation of school staff and communication with students, parents, and the school community in the deliberative process. Both the rationale for this process and the rationale for the resulting learning outcomes are evident.
- There is formal and systematic alignment of the curriculum with learning outcomes.
- 2-2 Standards
- 1 There is little or no evidence that standards for the school exist for learning outcomes; or
- Standards that do exist are incorrectly stated.
- 2 Standards for the school exist for some learning outcomes and are stated in a manner which demarcates whether a student is to be included in the expectation group, i.e., the percentage of students who are expected to achieve the learning outcome.
- 3 Standards for the school exist for all learning outcomes and are written as a cut-score on a single assessment instrument or procedure, or on items from a single assessment instrument or procedure.
- Points awarded for learning outcomes (2-1) are three (3) or more.
- There is a formal and consultative process for setting standards. Both the rationale for this process and the rationale for the standards are evident.
- 4 Standards exist for the school for all learning outcomes in all fundamental learning areas and are written as cut-scores or minimum criteria on a variety of assessment instruments or procedures that address the scope, content, and specificity of the learning outcome.
- Points awarded for learning outcomes (2-1) are four (4).
- There is a formal, consultative process for the school for setting standards. Both a rationale for this process which includes consultation of previous performance data and a rationale for the standards are evident.
- 5 Standards exist for the school for all learning outcomes in all fundamental learning areas and are written as cut-scores or minimum criteria on a variety of assessment instruments or procedures that address the scope, content, and specificity of the learning outcome.
- Points awarded for learning outcomes (2-1) are five (5).

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There is a formal, consultative process for the school for setting standards. Both a rationale for this process which includes consultation of previous performance data and a rationale for the standards are evident.

Standards exist for the school for all learning outcomes in all fundamental learning areas and are written as cut-scores or minimum criteria on a variety of assessment instruments or procedures that address the scope, content, and specificity of the learning outcome.

Points awarded for learning outcomes (2-1) are six (6). There is a formal, consultative process for the school for setting standards. Both a rationale for this process which includes consultation of previous performance data and a rationale for the standards are evident.

2-3 Expectations

There is little or no evidence that expectations have been established for the school.

Expectations exist for the school for learning outcomes in some fundamental learning areas in the form of the percent of students expected to achieve learning outcomes.

Points awarded for standards (2-2) are two (2) or more.

Expectations exist for the school for each learning outcome in each fundamental learning area in the form of the percent of students expected to meet the standard for that learning outcome.

Points awarded for standards (2-2) are three (3) or more.

There is a process for the school for establishing expectations and a rationale for this process.

Expectations exist for the school for each learning outcome in each fundamental learning area in the form of the percent of students expected to meet the standard for that learning outcome.

Points awarded for standards (2-2) are four (4) or more.

There is a formal, systematic, and consultative process for the school for establishing expectations and a rationale for this process.

3 Assessment Systems

3-1 Coordination of assessment instruments and procedures with learning outcomes

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There is little or no evidence that learning outcomes for the school are assessed by assessment instruments and procedures.

Learning outcomes for the school in all required fundamental learning areas are assessed by assessment instruments and procedures administered at least at benchmark grades.

Points awarded for standards (2-2) are two (2) or more.

All learning outcomes for the school for all fundamental learning areas are assessed by a variety of assessment instruments and procedures that address the scope, content, and specificity of the learning outcome and are administered to students at least at benchmark grades.

Points awarded for standards (2-2) are four (4) or more. The rationale for choosing or developing each instrument or procedure for the school is evident.

All learning outcomes for the school in all fundamental learning areas are assessed by a variety of assessment instruments and procedures that address the scope, content, and specificity of the learning outcome and are administered to students at least at benchmark grades.

Assessment instruments and procedures are clearly diverse in type for all standards for learning outcomes.

Points awarded for standards (2-2) are five (5) or more. The rationale for choosing or developing each instrument or procedure is evident.

3-2 Validity of Assessment Instruments and Procedures

There is little or no evidence for the school;

that there are sufficient assessment instruments and procedures to measure achievement of all outcomes; and/or

that assessment instruments and procedures measure knowledge and skills beyond specific tasks or questions to provide accurate information for making judgments about the progress of students toward achieving learning outcomes.

Claims for content validity are documented for instruments and procedures used to measure achievement of learning outcomes for the school.

There is evidence that there are instruments and procedures sufficient to measure all learning outcomes; and that assessment instruments and procedures measure knowledge and skills beyond specific tasks or questions to provide accurate information for making judgments about the progress of students toward achieving learning outcomes.

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3 Claims for content validity are documented for all instruments and procedures used to set standards for achievement of learning outcomes for the school. There is compelling evidence that there are instruments and procedures sufficient to measure all learning outcomes; and that assessment instruments and procedures measure knowledge and skills beyond specific tasks or questions to provide accurate information for making judgments about the progress of students toward achieving learning outcomes.

3-3 Reliability of assessment instruments and procedures

1 Reliability claims are documented for assessment instruments and procedures used to set standards for achievement of learning outcomes for the school for some but not all assessment instruments and procedures.
: There is no evidence that these instruments and procedures are administered, scored, and interpreted in a uniform manner by qualified staff.

2 Reliability claims are documented for assessment instruments and procedures used to set standards for achievement of all learning outcomes for the school in all required fundamental learning areas.
: Evidence is provided that these instruments and procedures are administered, scored, and interpreted in a uniform manner by qualified staff.

3 Reliability claims are documented for assessment instruments and procedures used to set standards for achievement of all learning outcomes for the school in all fundamental learning areas.
:

4 Formal procedures are documented for the administration, scoring, and interpretation of all assessment instruments and procedures in a uniform manner by qualified staff.

3-4 Nondiscriminatory assessment instruments and procedures

1 There is no evidence that steps have been taken to ensure that instruments and procedures used to set standards for learning outcomes for the school are nondiscriminatory regarding racial or gender differences or student disabilities.

2 Evidence is provided in the claims for nondiscrimination regarding racial and gender differences and student

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disabilities for all assessment instruments and procedures used to set standards for achievement of learning outcomes.

4 Analysis of Student Performance Data

4-1 Compilation and analysis of assessment data

1 There is little or no systematic collection, comparison or weighting of assessment data for the school, nor is there an indication of the percent of students who met standards for learning outcomes for fundamental learning areas.

2 There is systematic collection, comparison and weighting of assessment data for the school with an indication of the percent of students who met standards for some but not all learning outcomes for all fundamental learning areas.
: Points awarded for standards (2-2) are two (2) or more.

3 There is systematic collection, comparison and weighting of assessment data for the school with an indication of the percent of students who met standards for all learning outcomes for all fundamental learning areas.
: Points awarded for standards (2-2) are four (4) or more.

4 A process for identifying strengths and weaknesses of the student population of the school is evident.

5 Disaggregation of data for groups in the student population of the school identified by special program inclusion is conducted for all learning outcomes for the same grades.

6 A process for identifying strengths and weaknesses of groups identified for data disaggregation in the student population of the school is evident.

7 Participants in data analysis are identified.

8 There is systematic collection, comparison and weighting of assessment data for the school with an indication of the percent of students who met standards for all learning outcomes in all fundamental learning areas.

9 A formal process for identifying strengths and weaknesses of the student population of the school is in place.

10 Disaggregation of data for identified groups in the student population of the school is conducted for all learning outcomes.

11 A formal process for identifying strengths and weaknesses of groups identified for data disaggregation in the student population of the school is evident.

12 Participants in data analysis are identified.

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4-2 Data sufficiency for decision-making

- 1 Data for the school are insufficient to make decisions regarding student progress for each learning outcome.
- 2 Only limited data are available for the school based on results from valid, reliable, and nondiscriminatory assessment instruments and procedures for learning outcomes to make decisions regarding student progress for each learning outcome, including that of any groups in the student population identified for disaggregate data analysis.
- 3 These data for the school are used to track student achievement over time in the fundamental learning areas.
- 4 The data available for the school are based on results from a variety of valid, reliable, and nondiscriminatory assessment instruments and procedures used to set standards for learning outcomes.
- 5 There is a complete data set for the school which states student performance on each dimension of a standard and make decisions regarding student progress for each learning outcome, including that of groups in the student population identified for disaggregate data analysis.
- 6 All students in the school, at least in the benchmark grades or in the instructional group are accounted for.
- 7 These data are used to track student achievement over time in the fundamental learning areas.

5 Evaluation of Student Performance and School Programs

5-1 Evaluation of student performance by standard

- 1 There is little or no evidence that student performance in meeting standards for learning outcomes is improving over time in the fundamental learning areas.
- 2 There is evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time in some fundamental learning areas.
- 3 Points awarded for standards (2-2) are two (2) or more.
- 4 Points awarded for data sufficiency (4-2) are two (2) or more.
- 5 There is evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time in each fundamental learning area for the student

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population and for groups in the student population identified for disaggregate data analysis.

- 1 Points awarded for standards (2-2) are three (3) or more.
- 2 Points awarded for data sufficiency (4-2) are two (2) or more.
- 3 There is evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time in each fundamental learning area for the student population and for groups in the student population identified for disaggregate data analysis.
- 4 Points awarded for standards (2-2) are four (4) or more.
- 5 Points awarded for data sufficiency (4-2) are three (3) or more.
- 6 There is compelling evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time in each fundamental learning area for the student population and for groups in the student population identified for disaggregate data analysis.
- 7 Student performance in meeting standards for learning outcomes has been maintained relative to those standards for learning outcomes where improvement was not evidenced.
- 8 Points awarded for standards (2-2) are five (5) or more.
- 9 Points awarded for data sufficiency (4-2) are three (3) or more.
- 10 There is compelling evidence that improvement in student performance in meeting standards for learning outcomes has occurred over time for a majority of learning outcomes in each fundamental learning area for the student population and for groups in the student population identified for disaggregate data analysis.
- 11 Student performance in meeting standards for learning outcomes has been maintained relative to those standards for learning outcomes where improvement was not evidenced.
- 12 Points awarded for standards (2-2) are five (5) or more.
- 13 Points awarded for data sufficiency (4-2) are four (4).
- 14 Point values 2 through 6 will be doubled in calculating the total points for a school.
- 15 5-2 Program evaluation
- 16 There is little or no evidence of program evaluation for the school based on student performance on learning outcomes.

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- 2 Evidence exists that there is program evaluation for the school that identifies probable causes for students' failure to meet standards for learning outcomes (if applicable).
- 3 Evidence exists that there is formal program evaluation for the school that identifies probable causes for the failure of students in identified groups in the student population to meet standards for learning outcomes (if applicable).
- 4 Compelling evidence exists that there is formal program evaluation for the school that identifies probable causes for students' failure to meet standards for learning outcomes (if applicable).
- 5 Compelling evidence exists that there is formal program evaluation that identifies probable causes for the failure of students in identified groups in the student population to meet standards for learning outcomes (if applicable).
- 6 Consideration is given to proposals for what can be done differently to better identify probable causes for students' failure to meet standards for learning outcomes.

6. Establishing New Expectations and Program Improvements

6-1 Annual review of expectations

- 1 Expectations which exist for the school are not subject to annual review.
- 2 Expectations which exist for the school are subject to annual review and revision, if warranted based on student performance data and data trends for the school.
- 3 Expectations which exist for the school are subject to review/revision through a systematic, formal, and consultative process utilizing student performance data and data trends for the school.
- 6-2 Activities planned to increase student performance to meet new or existing expectations and consideration of changes in demographics or instruction in establishing expectations

- 1 There is little or no evidence that changes in curriculum, instruction, staff development, organizational structure, etc., for the school will be implemented in order to improve the achievement of students in meeting standards for learning outcomes or to effect other improvements in student learning at the school.
- 2 There is little or no evidence of planned strategies for improving the performance of students in the school who have not met standards for learning outcomes for the school.
- 3 There is little or no evidence of planned strategies for improving student attendance, truancy, graduation rates, and the climate of the school to enhance instructional efforts.
- 4 There is evidence that changes in curriculum, instruction, staff development, organizational structure, etc., will be implemented for the school in order to improve the achievement of students in meeting standards for learning outcomes or to effect other improvements in student learning at the school.
- 5 These changes are incremental and are not directed by student performance data for the school.
- 6 There are no formally planned strategies for improving the performance of students who have not met standards for learning outcomes for the school.
- 7 Informal consideration is given to possible changes in demographics and instruction.
- 8 There is evidence of planned strategies for improving student attendance, truancy, graduation rates, and the climate of the school to enhance instructional efforts.
- 9 There is compelling evidence that changes in curriculum, instruction, staff development, organizational structure, etc., for the school will be implemented in order to improve the achievement of students in meeting standards for learning outcomes or to effect other improvements in student learning at the school.
- 10 These changes are incremental and are directed by student performance data for the school.
- 11 There are planned strategies for improving the performance of students who have not met standards for learning outcomes for the school.
- 12 Informal consideration is given to possible changes in demographics and instruction.

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- 1. There is evidence of planned strategies for improving student attendance, truancy, graduation rates, and the climate of the school to enhance instructional efforts.
- 4. There is compelling evidence that changes in curriculum, instruction, staff development, organizational structure, etc., for the school will be implemented in order to improve the achievement of students in meeting standards for learning outcomes or to effect other improvements in student learning at the school.
- 5. These changes are systematic and are directed by student performance data for the school.
- 6. There are formal, planned strategies for improving the performance of students who have not met standards for learning outcomes for the school.
- 7. Formal consideration is given to possible changes in demographics and instruction.
- 8. There is compelling evidence of formal, planned strategies for improving student attendance, truancy, graduation rates, and the climate of the school to enhance instructional efforts.

7. Reporting to the Public

- 7-1 Regular communication is conducted with the school board, parents of students, and local media on student progress towards meeting the standards for achieving learning outcomes
- 1. There is no evidence of regular communication with the school board, parents of students, and local media on student progress towards meeting the standards for achieving learning outcomes.
- 2. Information describing how students of the school are being served and how well they are achieving relative to standards for learning outcomes is available.
- 3. Some audiences are addressed; partial information is presented in some communication formats.
- 4. There is no evidence that procedures are in place to help audiences to understand the information provided.
- 5. Information describing how students of the school are being served and how well they are achieving relative to standards for learning outcomes is available.
- 6. All audiences are addressed and timetables are established for releasing information to audiences.

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- 1. People are identified to provide information on student progress toward meeting standards for achieving learning outcomes.
- 2. Information is complete in all communication formats.
- 3. There is evidence that limited procedures are in place to help audiences to understand the information provided.
- 4. Information describing how students of the school are being served and how well they are achieving relative to standards for learning outcomes is available.
- 5. All audiences are addressed and timetables are established for releasing information to audiences.
- 6. Information is complete in all communication formats.
- 7. Systematic procedures are in place to assist the audience interpret and understand the information provided.
- 8. People responsible for providing information on student progress in meeting standards for learning outcomes are qualified and provided appropriate training.

(Source: Added at ___ Ill. Reg. ___, effective ___)

Section 1. Appendix F Criteria for Determination -- Student Performance and School Improvement

The points awarded to a school pursuant to the criteria specified in Appendix F to this Part will be totaled to arrive at the school's score. This total score will correspond to the school's student performance and school improvement determination, as set forth below.

Prior to October 1, 1995, the following point ranges will apply.

Does Not Meet Student Performance and School Improvement Standards	16 - 26
Does Not Fully Meet Student Performance and School Improvement Standards	27 - 31
Meets Student Performance and School Improvement Standards	32 - 64
Exceeds Student Performance and School Improvement Standards	65 - 70

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Beginning on October 1, 1995, the following point ranges will apply.

Does Not Meet Student Performance and School Improvement Standards	16 - 40
Does Not Fully Meet Student Performance and School Improvement Standards	41 - 52
Meets Student Performance and School Improvement Standards	53 - 64
Exceeds Student Performance and School Improvement Standards	65 - 70

(Source: Added at __ Ill. Reg. ____, effective ____.)

Section 1. Appendix G Criteria for Determination - State Assessment

Score Ranges for Reading by Grade

	Does Not Meet State Standards	Meets State Standards	Exceeds State Standards
Grade 3	0 - 176	177 - 337	338 - 500
Grade 6	0 - 188	189 - 337	338 - 500
Grade 8	0 - 185	186 - 325	326 - 500
Grade 10	0 - 177	178 - 313	314 - 500

Score Ranges for Writing by Grade

	Does Not Meet State Standards	Meets State Standards	Exceeds State Standards
Grade 3	6 - 14	15 - 21	22 - 32
Grade 6	6 - 17	18 - 23	24 - 32

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Grade 8	6 - 20	21 - 26	27 - 32
Grade 10	6 - 25	26 - 29	30 - 32

Score Ranges for Mathematics by Grade

	Does Not Meet State Standards	Meets State Standards	Exceeds State Standards
Grade 3	0 - 153	154 - 349	350 - 500
Grade 6	0 - 165	166 - 347	348 - 500
Grade 8	0 - 176	177 - 351	352 - 500
Grade 10	0 - 176	177 - 322	323 - 500

Score Ranges for Social Sciences by Grade

	Does Not Meet State Standards	Meets State Standards	Exceeds State Standards
Grade 4	0 - 157	158 - 305	306 - 500
Grade 7	0 - 135	136 - 295	296 - 500
Grade 11	0 - 121	122 - 321	322 - 500

Score Ranges for Science by Grade

	Does Not Meet State Standards	Meets State Standards	Exceeds State Standards
Grade 4	0 - 123	124 - 286	287 - 500
Grade 7	0 - 161	162 - 295	296 - 500
Grade 11	0 - 183	184 - 330	331 - 500

(Source: Added at __ Ill. Reg. ____, effective ____.)

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- 1) **Heading of the Part:** Urban Education Partnership Program
- 2) **Code Citation:** 23 Ill. Adm. Code 245
- 3) **Section Numbers:** Proposed Action:
 245.10 New Section
 245.20 New Section
 245.30 New Section
 245.40 New Section
 245.50 New Section
 245.60 New Section
 245.70 New Section
- 4) **Statutory Authority:** Ill. Rev. Stat. 1991, ch. 122, par. 2-3.101 (105 ILCS 5/2-3.101).
- 5) **A Complete Description of the Subjects and Issues Involved:**
 P.A. 87-789 established a new state Urban Education Partnership Program similar to the existing federal program of the same name. This new Part describes the procedure, content, and review criteria for applications for funding under this program.
- 6) **Will this proposed rule replace an emergency rule currently in effect?** No.
- 7) **Does this rulemaking contain an automatic repeal date?** No.
- 8) **Do these proposed rules contain incorporations by reference?**
 The rules do not contain an incorporation by reference under Section 5-73 of the Illinois Administrative Procedure Act.
- 9) **Are there any other proposed amendments pending on this Part?** No.
- 10) **Statement of Statewide Policy Objectives:** The rules will not create or enlarge a state mandate.
- 11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:** Written comments may be submitted within 45 days of the publication of this notice to:

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- Jon X. Healy
 Agency Rules Coordinator
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 (217) 782-3950
- 12) **Initial Regulatory Flexibility Analysis:** These rules will not affect small businesses.
- The full text of the Proposed Rules begins on the next page:

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TITLE 23: URBAN EDUCATION PARTNERSHIP PROGRAM
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 245
 URBAN EDUCATION PARTNERSHIP PROGRAM

Section

- 245.10 Purpose
 245.20 Nature of the Program
 245.30 Eligible Applicants
 245.40 Application Procedure and Content
 245.50 Application Review Criteria
 245.60 Grant Awards
 245.70 Terms of the Grant

AUTHORITY: Implementing and authorized by Section 2-3.101 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3.101) [105 ILCS 5/2-3.101].

SOURCE: Adopted at ___ Ill. Reg. ___, effective ____.

NOTE: Capitalization denotes statutory language.

Section 245.10 Purpose

This part establishes the procedure and criteria for approval of applications submitted by eligible applicants to the State Board of Education for grants under the Urban Education Partnership Program as authorized in Section 2-3.101 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3.101) [105 ILCS 5/2-3.101] and pursuant to Chapter 2 of the Federal Elementary and Secondary Education Act (ESEA).

Section 245.20 Nature of the Program

- a) Because urban communities house a disproportionate number of low-income, at-risk individuals who require community involvement to address the educational and social needs of students, Urban Education Partnership programs include:
- 1) the planning, development, operation, expansion, or dissemination of programs, projects and

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- activities that improve student achievement in large and small urban communities; and
- 2) the development and maintenance of collaborative efforts or partnerships involving an attendance center and at least one parent or community group, social service agency, business entity, or institution of higher education.

- b) URBAN EDUCATION PARTNERSHIP PROGRAMS SHALL INCLUDE BUT NOT BE LIMITED TO COMPONENTS DESIGNED TO IMPROVE STUDENT ATTENDANCE AT SCHOOL AND IN CLASS, INCREASE STUDENT HOMEWORK OUTPUT AND QUALITY, INCREASE STUDENT TIME ON THE TASK OF ACQUIRING BASIC AND HIGHER ORDER SKILLS, IMPROVE TEACHER-GIVEN CLASSROOM GRADES, IMPROVE STATE AND NATIONAL STANDARDIZED TEST SCORES AND ASSESSMENT RESULTS, IMPROVE COMMUNITY INVOLVEMENT IN THE DEVELOPMENT AND IMPLEMENTATION OF EFFECTIVE SCHOOL PROGRAMS, AND IMPROVE PARENT INVOLVEMENT TO FOSTER A POSITIVE HOME ENVIRONMENT, MEANINGFUL PARENT-CHILD COMMUNICATION IN MATTERS OF EDUCATIONAL PERFORMANCE AND PROGRESS, AND INCREASED PARENT PARTICIPATION IN HOME LEARNING ACTIVITIES, SCHOOL VOLUNTEER ACTIVITIES AND SCHOOL GOVERNANCE. (Section 2-3.101 of the School Code.)

Section 245.30 Eligible Applicants

- a) An Illinois school district is eligible to apply for an Urban Education Partnership grant if:
- 1) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF THE DISTRICT IS 1,500 OR MORE, AND NOT LESS THAN 10% OF THOSE STUDENTS ARE LOW INCOME STUDENTS AS DETERMINED WITH REFERENCE TO THE ANNUAL PUBLIC SCHOOLS FALL ENROLLMENT-HOUSING REPORT THAT THE SCHOOL DISTRICT IS REQUIRED TO FILE WITH THE STATE BOARD OF EDUCATION; OR
 - 2) THE SCHOOL DISTRICT RECEIVES NOT LESS THAN \$100,000 IN A FISCAL YEAR FROM FUNDS ALLOCATED AND DISTRIBUTED UNDER CHAPTER 1 OF TITLE I OF THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AND NOT LESS THAN 10% OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT ARE "MINORITY STUDENTS", DEFINED FOR PURPOSES OF THIS SECTION TO MEAN A PUPIL WHO IS

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BLACK (HAVING ORIGINS IN ANY OF THE BLACK RACIAL GROUPS IN AFRICA), HISPANIC (OF SPANISH OR PORTUGUESE CULTURE WITH ORIGINS IN MEXICO, SOUTH OR CENTRAL AMERICA, OR THE CARIBBEAN ISLANDS, REGARDLESS OF RACE), ASIAN AMERICAN (HAVING ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF THE FAR EAST, SOUTHEAST ASIA, THE INDIAN SUBCONTINENT, OR THE PACIFIC ISLANDS), OR AMERICAN INDIAN OR ALASKAN NATIVE (HAVING ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF NORTH AMERICA). (Section 2-3.101 of the School Code.)

- b) The State Board of Education shall identify in its annual Request for Proposals the types of projects (planning, initial implementation, continuation, and/or dissemination) which will be funded for the fiscal year in question.
- c) No district will be eligible to receive state funding under this program for more than three consecutive school years for the same attendance center.

Section 245.40 Application Procedure and Content

- a) The State Board of Education will issue a Request for Proposals (RFP) specifying the information that must be included in each proposal and requiring that proposals be submitted to the agency no later than the date specified in the RFP. The submission deadline shall provide at least forty-five (45) calendar days in which to submit proposals.
- b) Each proposal for an Urban Education Partnership grant must consist of the components listed below.
 - 1) A completed application cover page bearing the signature of the official authorized to submit the proposal and bind the applicant to its contents.
 - 2) An abstract of the proposal (not to exceed one page).
 - 3) A narrative description of the proposed project, containing the elements identified in subsection (c), (d), (e), or (f) below, as applicable to the type of project being proposed.

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- 4) Budget information, supplied on forms provided by the State Board of Education as part of the RFP.
- 5) A budget narrative correlating the budget line items to descriptions of anticipated expenditures, submitted on the form provided by the State Board as part of the RFP.
- 6) An evaluation design describing the methods to be used to assess the effectiveness of the project. Implementation and continuation proposals must include a description of how formative evaluation will be used in the development and improvement of the program.
- 7) A completed Nonpublic School Verification and Involvement Form, provided by the State Board as part of the RFP.
- 8) Such certifications and assurances as the State Board may require, submitted on forms supplied by the Board as part of the RFP.
- 9) Letters of intent from all partners external to the school district, describing each entity's commitment to and role in the project (implementation and continuation proposals only).
- c) The proposal narrative for each planning proposal shall include the following.
 - 1) Background information on the district and attendance center.
 - 2) A statement of need and a description of the process by which the need was identified.
 - 3) A description of the proposed planning project, indicating whether activities will be conducted for the purpose of
 - A) identifying a program whose implementation would address the needs identified, or
 - B) planning for an identified program, in which case the program shall be described and its target population identified.

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- 4) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.
- d) The proposal narrative for each implementation proposal shall include the following.
 - 1) Background information on the district and attendance center, which may be either
 - A) a statement that the information previously provided as part of the planning proposal for the program remains accurate, or
 - B) a description of any changes affecting the overview previously provided.
 - 2) A statement of need and a description of the process by which the need was identified.
 - 3) A description of the proposed program, including identification of the external entity(ies) involved and the roles and responsibilities of each.
 - 4) A description of the features which make the program applicable to other attendance centers and amenable to replication for their use.
 - 5) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.
- e) The proposal narrative for each continuation proposal shall include the following.
 - 1) Background information on the district and the attendance center, which may be either
 - A) a statement that the information previously provided remains accurate, or
 - B) a description of any changes affecting the overview previously provided.

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- 2) A statement of need, which may be either
 - A) a statement that no changes have occurred in the information previously provided, or
 - B) a description of any relevant changes.
- 3) Updated program information, including any changes in the external entity(ies) involved or in their roles and responsibilities, and in the relationship of the program to other special projects in operation at the attendance center. This description must state the activities proposed for the continuation period in light of the inclusion of the preceding year's project, including especially the identification of each unmet objective and the rationale for its continued inclusion or its deletion from the project.
- 4) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.
- f) The proposal narrative for each dissemination proposal shall include the following.
 - 1) Background information, including:
 - A) An overview of the district, the attendance center where the program has been in operation, and the student population served;
 - B) A description of the specific program to be disseminated;
 - C) A discussion of the features of the program which warrant its replication; and
 - D) A description of the target audience for whom this information would be relevant.
 - 2) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.

Section 245.50 Application Review Criteria

Proposals will be evaluated by State Board staff in accordance with the applicable criteria set forth below.

a) Review Criteria for Planning Proposals

- 1) The proposed activities respond to the need identified and are directed at the improvement of student outcomes. (60 points)
- 2) There is a demonstrated need for the program and/or activities identified within the proposal. (30 points)
- 3) The activities proposed will be cost-effective, as evidenced by the scope of the planning work to be conducted and the number of entities to be involved. (10 points)

b) Review Criteria for Implementation Proposals

- 1) The proposed program responds to the need identified and the proposed work plan is reasonable in light of the project's goal. (30 points)
- 2) The proposed program is directed at the improvement of student outcomes. (30 points)
- 3) There is a demonstrated need for the program and/or activities identified within the proposal. (20 points)
- 4) The applicant demonstrates the replicability and adaptability of the program to other attendance centers and LEA's. (10 points)
- 5) The program or activities proposed will be cost-effective, as evidenced by the cost in relation to the numbers to be served, the services to be provided, or the scope of activities to be conducted. (10 points)

c) Review Criteria for Continuation Proposals

- 1) The program proposal is justified in light of the evaluation of prior project activities. (30 points)
- 2) The services and/or activities proposed are designed to improve student outcomes. (30 points)
- 3) There is a demonstrated need for the program and/or activities identified within the proposal. (20 points)
- 4) The program described can be replicated and adapted for use by other attendance centers and LEA's. (10 points)
- 5) The program or activities proposed will be cost-effective, as evidenced by the cost in relation to the numbers to be served, the services to be provided, or the scope of activities to be conducted. (10 points)

d) Review Criteria for Dissemination Proposals

- 1) The applicant has identified a target audience for the program information in question and has demonstrated that the program is relevant to that audience. (60 points)
- 2) Dissemination of the program involved is warranted, as evidenced by the evaluation of program activities. (30 points)
- 3) The dissemination plan is cost-effective, based on the scope of the program, the nature and quantity of the materials to be developed, and the size and location of the target audience. (10 points)

Section 245.60 Grant Awards

Final approval of grants under this program will be determined by the State Superintendent of Education and will be based upon recommendations resulting from the evaluation/review process.

- a) The State Superintendent of Education shall determine the amount of individual grant awards on the basis of:

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- 1) Recommendations based on the criteria set forth in Section 245.50 of this Part;
- 2) The total amount of funds appropriated for the Urban Education Partnership Program; and
- 3) The approvable amounts requested in the top-ranked proposals identified pursuant to Section 245.50 of this Part.

- b) Notification of grant awards for approved proposals will be made not later than 45 calendar days after the deadline for proposal submission or the date when the amount of the appropriation for this program is determined, whichever is later.

Section 245.70 Terms of the Grant

- a) Applicants may be asked to meet with State Board staff to clarify aspects of their proposals. State Board staff will negotiate a final contract with each successful applicant. Grant payments will be made by the State Board according to a negotiated payment schedule. Payments may be reduced from scheduled amounts if periodic reports show excessive cash on hand.
- b) Allocations in an approved budget may be amended by filling out the Budget Summary form to show the new amounts required and attaching an explanation for the changes. A budget amendment must be submitted for State Board approval whenever any individual line item changes by more than \$300 or 1%, whichever is larger. Amendments will be approved if the proposed allocation of resources is consistent with accomplishing the approved proposal.

- c) State General Revenue funds used for this program shall be subject to the Illinois Grant Funds Recovery Act (30 ILCS 705/1 et seq.). Some applicants will receive federal funds for this program and will be subject to the requirements of the Stevens Amendment (P.L. 101-166). Such grantees will be made aware of these requirements when grant awards are made. Funds granted for the operation of this program must be used exclusively for the purposes stated in the approved

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proposal and must be expended in accordance with the approved budget and the grantee's policies and procedures related to such expenditures. Funds may only be expended for activities occurring during the grant period. The State Board shall inform applicants of any additional restrictions applying to the use of the funds provided under this program.

- d) No subcontracting is allowed under this program.
- e) A recipient may request termination of a project. The reasons for termination must be stated in writing to the Manager, Urban and Ethnic Education Section, Illinois State Board of Education. The request must indicate the proposed termination date. If a project is terminated, the grantee will be directed as to the return of all project equipment, supplies and funds as determined by ISBE. Financial obligations incurred and expenditures made by the grantee prior to the effective date of termination will be reviewed to determine the extent that they are allowable for activities prior to the grant's termination. The grantee will furnish the Manager, Urban and Ethnic Education Section, within 30 calendar days of the termination date, a report of objectives and activities completed, if any, and an itemized accounting of funds expended, obligated, and remaining under the grant. After examination of the accounting, the grantee will be notified of any amounts which are due to ISBE. The grantee shall remit any amounts found due within 30 calendar days of the receipt of notification.
- f) Any publication or presentation resulting from or primarily related to federal financial assistance shall contain the following acknowledgment: "The activity which is the subject of this report was supported in whole or in part by the United States Department of Education. However, the opinions expressed herein do not necessarily reflect the position or policy of the United States Department of Education, and no official endorsement by the United States Department of Education should be inferred."
- g) Each grant recipient must submit a year-end report to the State Board of Education within 45 calendar days after the end of the grant period. That report must include the following information:

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- 1) Objectives and activities completed.
- 2) Resources utilized during the grant period.
- 3) Planned strategies for the continued development and implementation of the program, including resources to be utilized.
- 4) A completed final expenditure report form.
- h) In addition, a final report is required of recipients completing two years of program implementation, i.e., at the end of the continuation phase. This final report must be submitted to the State Board within 45 calendar days of the end of the continuation grant period and must include:
 - 1) A final evaluation of the program, including the extent to which the program proved to be a successful strategy for improving the academic achievement of the target population, and its replicability by other school districts.
 - 2) A final summary of methods, data, and conclusions (as a journal-style article, 2-5 pages).

1) The Heading of the Part.

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation: 77 Ill. Adm. Code 350

3) Section Numbers: Proposed Action:

350.330 Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.
[210 ILCS 45/1-101 et seq. (1992)]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 350 govern the Department of Public Health's licensure of intermediate care facilities for the developmentally disabled. The Department is proposing these amendments to implement a consent decree in the case of Protection and Advocacy, Inc. v. John R. Lumpkin. The settlement agreement, which was signed on February 16, 1993, requires the Department to adopt emergency amendments to Parts 300, 330, 350 and 390 of the Illinois Administrative Code. Protection and Advocacy, Inc. is an Illinois not-for-profit corporation that advocates for the rights of mentally ill individuals and persons with developmental disabilities. The Settlement Agreement concerns the Department's operation of the 24-hour hotline required by the Abused and Neglected Long-Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4161 et seq.) [210 ILCS 30/1 et seq.]. The Settlement Agreement requires the Department to use court-ordered procedures in operating the hotline: to categorize allegations of abuse, neglect, or other resident injury in a uniform fashion; to report other resident injuries to the General Assembly in the same manner as reports of abuse or neglect; to file emergency amendments to Parts 300, 330, 350, and 390 to include expanded definitions of "abuse", "neglect", and "other resident injury"; and to handle as "anonymous" complaints wherein a named complainant cannot be located or proves to be fictitious. The Department adopted the emergency amendments effective May 6, 1993. These proposed amendments replace the emergency amendments and amend Section 350.330 by expanding the definitions of "abuse" and "neglect" and adding a definition of "other resident injury".

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

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- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes X No —

- 7) Does this Rulemaking Contain an Automatic Repeal Date?

Yes — No XIf "yes," please specify the date: —

- 8) Does this Rulemaking Contain Any Incorporations by Reference?

Yes — No X

- 9) Are there any other Proposed Amendments Pending on this Part?

Yes X No —

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.1235	New Section	16 Ill. Reg. 15044
350.640	Amendments	16 Ill. Reg. 17500
350.175	Amendments	17 Ill. Reg. 1269
350.180	Amendments	17 Ill. Reg. 1269
350.260	Amendments	17 Ill. Reg. 6028
350.270	Amendments	17 Ill. Reg. 1269
350.271	Amendments	17 Ill. Reg. 6028
350.278	Amendments	17 Ill. Reg. 6028
350.290	Amendments	17 Ill. Reg. 1269
350.640	Amendments	17 Ill. Reg. 1269
350.680	Amendments	17 Ill. Reg. 1269
350.685	Amendments	17 Ill. Reg. 1269
350.3210	Amendments	17 Ill. Reg. 1269
350.3330	Amendments	17 Ill. Reg. 1269
350 Appendix A	Repealer	17 Ill. Reg. 1269

- 10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

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- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson Street, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

long-term care facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the proposed amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY
DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	License
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs in Long-Term Care Facilities

Department May Survey Facilities Formerly Licensed
Waivers
Definitions
Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Administrator

SUBPART C: POLICIES

Resident Care Policies
Admission and Discharge Policies
Contract Between Resident and Facility
Residents' Advisory Council
Personnel Policies
Initial Health Evaluation for Employees
Nursing Assistants
Student Interns
Disaster Preparedness
Restraints and Safety Devices
Serious Incidents and Accidents

SUBPART D: PERSONNEL

General
Categories of Personnel
Consultation Services
Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Medical Care Policies
Communicable Disease Policies
Tuberculin Skin Test Procedures
Medical Emergencies
Behavior Emergencies
Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

General Requirements for Nursing and Personal Care
Supervision of Nursing Services

350.310
350.320
350.330
350.340

350.510

350.610
350.620
350.630
350.640
350.650
350.655
350.660
350.665
350.670
350.680
350.690

350.810
350.820
350.830
350.840

350.1010
350.1020
350.1025
350.1030
350.1040
350.1050

350.1210
350.1220

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350.1230
350.1240

Staffing
Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

350.1410
350.1420
350.1430

Activity Program
Specialized Rehabilitation Services
Work Programs

SUBPART H: MEDICATIONS

350.1610
350.1620
350.1630
350.1640
350.1650

Medication Policies and Procedures
Conformance With Physician's Orders
Administration of Medication
Labeling and Storage of Medications
Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

350.1810
350.1820
350.1830
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350.1850
350.1860
350.1870
350.1880

Resident Record Requirements
Content of Medical Records
Records Pertaining to Residents' Property
Retention and Transfer of Resident Records
Other Resident Record Requirements
Staff Responsibility for Medical Records
Retention of Facility Records
Other Facility Record Requirements

SUBPART J: FOOD SERVICE

350.2010
350.2020
350.2030
350.2040
350.2050
350.2060
350.2070
350.2080
350.2090
350.2100
350.2110

Director of Food Services
Dietary Staff in Addition to Director of Food Services
Hygiene of Dietary Staff
Diet Orders
Adequacy of Diet and Meal Pattern
Therapeutic Diets
Scheduling Meals
Menu Planning
Food Preparation and Service
Food Handling Sanitation
Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

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350.2210
350.2220
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Maintenance
Housekeeping
Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

350.2410
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350.2430

Furnishings
Equipment and Supplies
Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

350.2610
350.2620
350.2630
350.2640

Codes
Water Supply
Sewage Disposal
Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

350.2810
350.2820
350.2830
350.2840
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350.2860
350.2870
350.2880
350.2890
350.2900
350.2910
350.2920
350.2930
350.2940

Applicability of these Standards
Codes and Standards
Preparation of Drawings and Specifications
Site
Administration and Public Areas
Nursing Unit
Dining, Living, Activities Rooms
Therapy and Personal Care
Service Departments
General Building Requirements
Structural
Mechanical Systems
Plumbing Systems
Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

350.3010
350.3020
350.3030
350.3040
350.3050

Applicability
Codes and Standards
Preparation of Drawings and Specifications
Site
Administration and Public Areas

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350.3060 Nursing Unit
350.3070 Living, Dining, Activities Rooms
350.3080 Treatment and Personal Care
350.3090 Service Departments
350.3100 General Building Requirements
350.3110 Structural
350.3120 Mechanical Systems
350.3130 Plumbing Systems
350.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

350.3210 General
350.3220 Medical and Personal Care Program
350.3230 Restaurants
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer or Discharge
350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

350.3410 Application of Other Divisions of These Minimum Standards
350.3420 Administrator
350.3430 Policies
350.3440 Personnel
350.3450 Resident Living Services Medical and Dental Care
350.3460 Resident Services Program
350.3470 Psychological Services
350.3480 Social Services
350.3490 Recreational and Activities Services
350.3500 Individual Treatment Plan
350.3510 Health Services
350.3520 Medical Services
350.3530 Dental Services
350.3540 Optometric Services
350.3550 Audometric Services

350.3560 Podiatric Services
350.3570 Occupational Therapy Services
350.3580 Nursing and Personal Care
350.3590 Resident Care Services
350.3600 Record Keeping
350.3610 Food Service
350.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
350.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

350.3710 Day Care in Long-Term Care Facilities
350.3720 Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
350.3730 Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.3740 Federal Requirements Regarding Patients'/Residents' Rights
350.3750 Forms for Day Care in Long-Term Care Facilities
350.3760 Criteria for Activity Directors Who Need Only Minimal Consultation
350.3770 Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
350.3780 Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
350.3790 Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
350.3800 Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective

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December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 350.330

Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

Abuse shall be present in the following situations:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

ACCESS - THE RIGHT TO:
ENTER ANY FACILITY;

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COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;
SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;
INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;
OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 451-101 et seq. (1995)].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - a person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

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WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF, WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE.
(Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

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Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons

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holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 2301 et seq.) [225 ILCS 25/1 et seq. (1992)].

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:
is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;
is manifest before age 22;
is likely to continue indefinitely;
results in substantial functional limitations in three or more of the following areas of major life activities:

- self-care;
- receptive and expressive language;
- learning;
- mobility;
- self-direction;
- economic self-sufficiency; and
- capacity for independent living; and

reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:
is a qualified dietitian; or

- is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or
- is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or
- has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

- is eligible for registration by the American Dietetic Association; or
- has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of

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a health care institution, and participates annually in continuing dietetic education.

Direct Care Aide - Any person who provides nursing care, personal care or psychosocial support to residents of specialized living facilities, regardless of title, and who is not a Qualified Professional, as defined in these rules. Direct Care Aides must function under the supervision of a licensed nurse when performing nursing or personal care duties.

Direct Supervisor - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

EMERGENCY - A SITUATION, PHYSICAL CONDITION OR ONE OR MORE PRACTICES, METHODS OR OPERATIONS WHICH PRESENT IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL OR MENTAL HARM TO RESIDENTS OF A FACILITY. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver, who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated

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by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO DIVISION 5-21 OR 5-22 OF THE COUNTIES CODE (Ill. Rev. Stat. 1991, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq.) [55 ILCS 5/5-21001 et seq. and 5/5-22001 et seq. (1992)], OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1956 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building.

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF; OR BY THE STATE OF ILLINOIS; A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE

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LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85/1 et seq. (1992)]; ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10/1 et seq. (1992)];

ANY "COMMUNITY LIVING FACILITY" AS DEFINED IN THE COMMUNITY LIVING FACILITIES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4181 et seq.) [210 ILCS 35/1 et seq. (1992)];

ANY "COMMUNITY RESIDENTIAL ALTERNATIVE" AS DEFINED IN THE COMMUNITY RESIDENTIAL ALTERNATIVES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 621 et seq.) [210 ILCS 140/1 et seq. (1992)];

PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. OR

ANY FACILITY LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AS A COMMUNITY-INTEGRATED LIVING ARRANGEMENT AS DEFINED IN THE COMMUNITY-INTEGRATED LIVING ARRANGEMENTS LICENSURE AND CERTIFICATION ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1701 et seq.) [210 ILCS 135/1 et seq. (1992)].

~~442-of-the-Act~~; OR
ANY SUPPORTIVE RESIDENCE LICENSED UNDER THE SUPPORTIVE RESIDENCES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 9001 et seq.). [210 ILCS 65/1 et seq. (1992)]. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its

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attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1991, ch. 110 1/2, par. 1-1 et seq.) [755 ILCS 5/1-1 et seq. (1992)]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 101.01 et seq.) [805 ILCS 105/101.01 et seq. (1992)]; or, by a county pursuant to Division 5-22 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-22001 et seq.) [55 ILCS 5/5 - 22001 et seq. (1992)]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

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Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF-DDs) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1991, ch. 111, par. 3651 et seq.) [225 ILCS 70/1 et seq. (1992)].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to

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return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

Neglect occurs where:
the alleged failure causing injury or deterioration is ongoing or repetitions; or
a resident required medical treatment as a result of the alleged failure; or
the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3.301 et seq.) [225 ILCS 65/1 et seq. (1992)]. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to,

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nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75/1 et seq. (1992)].

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE

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FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist - Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4121 et seq.) [225 ILCS 55/1 et seq. (1992)].

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1991, ch. 111 par. 4251 et seq.) [225 ILCS 90/1 et seq. (1992)].

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400.1 et seq.) [225 ILCS 60/1 et seq. (1992)].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Program Unit - a resident care unit in Specialized Living Facilities equivalent to a nursing unit in Skilled Nursing facilities as defined in this Part.

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Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 3351 et seq.) [225 ILCS 15/1 et seq. (1992)].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

REPEAT VIOLATION - FOR PURPOSES OF ASSESSING FINES UNDER SECTION 3-305 OF THE ACT, A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH A SUBSEQUENT INSPECTION INDICATES THAT AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLIED WITH, WITHIN A PERIOD OF NOT MORE THAN TWELVE MONTHS FROM THE ISSUANCE OF THE INITIAL VIOLATION. A REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown

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by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the permanent staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

AGENT OR REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT, TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; genetric or adaptive chairs; a wide hand, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

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Social Worker, Qualified - a person who:
is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.) [225 ILCS 201 et seq. (1992)]; and
is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and
has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR

UNDERGRADUATE INSTITUTION, OR
IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in

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Sections 300.280(q)(8), 300.280(k)(2) and 300.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.180(b)(1) and 300.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR

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OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) The Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 3903) Section Numbers: Proposed Action:

390.330 Amendments

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1991, ch. 111, 1/2, pars. 4151-101 et seq.
[210 ILCS 45/1-101 et seq. (1992)]5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 390 govern the Department of Public Health's licensure of long-term care facilities for persons under age 22. The Department is proposing these amendments to implement a consent decree in the case of Protection and Advocacy, Inc., v. John R. Lumpkin. The settlement agreement, which was signed on February 16, 1993, requires the Department to adopt emergency amendments to Parts 300, 330, 350 and 390 of the Illinois Administrative Code. Protection and Advocacy, Inc. is an Illinois not-for-profit corporation that advocates for the rights of mentally ill individuals and persons with developmental disabilities. The Settlement Agreement concerns the Department's operation of the 24-hour hotline required by the Abused and Neglected Long-Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1991, ch. 111, 1/2, pars. 4161 et seq.) [210 ILCS 30/1 et seq.]. The Settlement Agreement requires the Department to use court-ordered procedures in operating the hotline; to categorize allegations of abuse, neglect, or other resident injury in a uniform fashion; to report other resident injuries to the General Assembly in the same manner as reports of abuse or neglect; to file emergency amendments to Parts 300, 330, 350, and 390 to include expanded definitions of "abuse", "neglect", and "other resident injury"; and to handle as "anonymous" complaints wherein a named complainant cannot be located or proves to be fictitious. The Department adopted the emergency amendments effective May 6, 1993. These proposed amendments replace the emergency amendments and amend Section 390.330 by expanding the definitions of "abuse" and "neglect" and adding a definition of "other resident injury."

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

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6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes X No 7) Does this Rulemaking Contain an Automatic Repeal Date?Yes No XIf "yes," please specify the date: 8) Does this Rulemaking Contain Any Incorporations by Reference?Yes No X9) Are there any other Proposed Amendments Pending on this Part?Yes X No If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
390.1025	New Section	16 Ill. Reg. 16520
390.640	Amendments	16 Ill. Reg. 17515
390.175	Amendments	17 Ill. Reg. 1296
390.180	Amendments	17 Ill. Reg. 1296
390.260	Amendments	17 Ill. Reg. 6044
390.270	Amendments	17 Ill. Reg. 1296
390.271	Amendments	17 Ill. Reg. 6044
390.278	Amendments	17 Ill. Reg. 6044
390.290	Amendments	17 Ill. Reg. 1296
390.680	Amendments	17 Ill. Reg. 1296
390.685	Amendments	17 Ill. Reg. 1296
390.3210	Amendments	17 Ill. Reg. 1296
390.3330	Amendments	17 Ill. Reg. 1296

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

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11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 555 West Jefferson Street, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

long-term care facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the proposed amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390

LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

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390.110	General Requirements
390.120	Application for License
390.130	License
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse License Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to Be Made Available to the Public By the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
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390.284	Calculation of Penalties
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390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs In Long-Term Care Facilities
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SUBPART B: ADMINISTRATION

SUBPART C: POLICIES

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390.620 Admission and Discharge Policies
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SUBPART D: PERSONNEL

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SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

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SUBPART F: NURSING AND PERSONAL CARE

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SUBPART G: RESIDENT CARE SERVICES

SUBPART H: MEDICATIONS

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SUBPART I: RESIDENT AND FACILITY RECORDS

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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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390.3410 Application of Other Divisions of These Minimum Standards
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390.3560 Podiatric Services
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SUBPART R. DAYCARE PROGRAMS

390.3710 Day Care in Long-Term Care Facilities

390.APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities

390.APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repeated)

390.APPENDIX C Federal Requirements Regarding Patients' Residents' Rights

390.APPENDIX D Forms for Day Care in Long-Term Care Facilities

390.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation

390.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

390.TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities

390.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities

390.TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14537 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931,

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effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____

NOTE: Italics and capitalization denote statutory language.

Section 390.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

Abuse shall be present in the following situations:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE FREELY AND WITHOUT RESTRICTION WITH ANY

RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT

RESTRICTION WITH ANY RESIDENT;

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INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;
OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF;
WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF;
WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE

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FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE.
(Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street

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floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 2301 et seq.) [225 ILCS 25/1 et seq. (1992)].

Department - as used in this Part means the Illinois Department of Public Health.

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Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments; is manifest before age 22; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;
receptive and expressive language;
learning;

mobility;
self-direction;
capacity for independent living; and
economic self-sufficiency; and

reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or
is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or
is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or
has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or
has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Care Aide - Any person who provides nursing care, personal care or psychosocial support to residents of specialized living facilities, regardless of title, and who is not a Qualified Professional, as defined in these rules. Direct Care Aides must function under

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the supervision of a licensed nurse when performing nursing or personal care duties.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

EMERGENCY - A SITUATION, PHYSICAL CONDITION OR ONE OR MORE PRACTICES, METHODS OR OPERATIONS WHICH PRESENT IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL OR MENTAL HARM TO RESIDENTS OF A FACILITY. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver, who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for

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between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO DIVISION 5-21 OR 5-22 OF THE COUNTIES CODE (Ill. Rev. Stat. 1991, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq.) [55 ILCS 5/5-21001 et seq. and 5/5-22001 et seq. (1992)] OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1396 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building.

"FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS; A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85/1 et seq. (1992)]; ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10/1 et seq. (1992)];

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ANY "COMMUNITY LIVING FACILITY" AS DEFINED IN THE COMMUNITY LIVING FACILITIES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4181 et seq.) [210 ILCS 35/1 et seq. (1992)];

ANY "COMMUNITY RESIDENTIAL ALTERNATIVE" AS DEFINED IN THE COMMUNITY RESIDENTIAL ALTERNATIVES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 621 et seq.) [210 ILCS 140/1 et seq. (1992)];

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY; OR

ANY FACILITY LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AS A COMMUNITY-INTEGRATED LIVING ARRANGEMENT AS DEFINED IN THE COMMUNITY-INTEGRATED LIVING ARRANGEMENTS LICENSURE AND CERTIFICATION ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1701 et seq.) [210 ILCS 135/1 et seq. (1992)] (Section 1-13 of the Act); OR

ANY SUPPORTIVE RESIDENCE LICENSED UNDER THE SUPPORTIVE RESIDENCES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 9001 et seq.) [210 ILCS 65/1 et seq. (1992)]. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

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GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1991, ch. 110 1/2, par. 1-1 et seq.) [755 ILCS 5/1-1 et seq. (1992)] (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 101.01 et seq.) [805 ILCS 105/101.01 et seq. (1992)]; or, by a county pursuant to Division 5-22 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-22.001 et seq.) [55 ILCS 5/5-22.001 et seq. (1992)]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a

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program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF-DDs) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1991, ch. 111, par. 3651 et seq.) [225 ILCS 701 et seq. (1992)].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

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Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

Neglect occurs when:
the alleged failure causing injury or deterioration is ongoing or repetitions; or
the failure is alleged to have caused a result of the alleged failure, or
the failure required medical treatment as a result of the alleged failure, or
health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65/1 et seq. (1992)] (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and

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health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75/1 et seq. (1992)].

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political

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subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4121 et seq.) [225 ILCS 58/1 et seq. (1992)].

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1991, ch. 111 par. 4251 et seq.) [225 ILCS 90/1 et seq. (1992)].

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60/1 et seq. (1992)].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Program Unit - a resident care unit in Specialized Living Facilities equivalent to a nursing unit in Skilled Nursing facilities as defined in this Part.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 5351 et seq.) [225 ILCS 15/1 et seq. (1992)].

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Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

REPEAT VIOLATION - FOR PURPOSES OF ASSESSING FINES UNDER SECTION 3-305 OF THE ACT, A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH A SUBSEQUENT INSPECTION INDICATES THAT AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLIED WITH, WITHIN A PERIOD OF NOT MORE THAN TWELVE MONTHS FROM THE ISSUANCE OF THE INITIAL VIOLATION. A REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

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Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hung doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.) [225 ILCS 201 et seq. (1992)]; and
is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs), and

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has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR
IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION; PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.280(g)(8), 300.280(g)(2) and 300.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.180(b)(1) and 300.260(f).

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Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each

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distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) The Heading of the Part:

Sheltered Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 3303) Section Numbers: Proposed Action:

330.330 Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.
[210 ILCS 45/1-101 et seq. (1992)]

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 330 govern the Department of Public Health's licensure of sheltered care facilities. The Department is proposing these amendments to implement a consent decree in the case of Protection and Advocacy, Inc., v. John R. Lumpkin. The settlement agreement, which was signed on February 16, 1993, requires the Department to adopt emergency amendments to Parts 300, 330, 350 and 390 of the Illinois Administrative Code. Protection and Advocacy, Inc., is an Illinois not-for-profit corporation that advocates for the rights of mentally ill individuals and persons with developmental disabilities. The Settlement Agreement concerns the Department's operation of the 24-hour hotline required by the Abused and Neglected Long-Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4161 et seq.) [210 ILCS 30/1 et seq.]. The Settlement Agreement requires the Department to use court-ordered procedures in operating the hotline; to categorize allegations of abuse, neglect, or other resident injury in a uniform fashion; to report other resident injuries to the General Assembly in the same manner as reports of abuse or neglect; to file emergency amendments to Parts 300, 330, 350, and 390 to include expanded definitions of "abuse", "neglect", and "other resident injury"; and to handle as "anonymous" complaints wherein a named complainant cannot be located or proves to be fictitious. The Department adopted the emergency amendments effective May 6, 1993. These proposed amendments replace the emergency amendments and amend Section 330.330 by expanding the definitions of "abuse" and "neglect" and adding a definition of "other resident injury."

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

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- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes X No

- 7) Does this Rulemaking Contain an Automatic Reread Date?

Yes No XIf "yes," please specify the date:

- 8) Does this Rulemaking Contain Any Incorporations by Reference?

Yes No X

- 9) Are there any other Proposed Amendments Pending on this Part?

Yes X No

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
330.1025	New Section	16 Ill. Reg. 16520
330.640	Amendments	16 Ill. Reg. 17515
330.175	Amendments	17 Ill. Reg. 1296
330.180	Amendments	17 Ill. Reg. 1296
330.260	Amendments	17 Ill. Reg. 6059
330.270	Amendments	17 Ill. Reg. 1296
330.271	Amendments	17 Ill. Reg. 6059
330.278	Amendments	17 Ill. Reg. 6059
330.290	Amendments	17 Ill. Reg. 1296
330.640	Amendments	17 Ill. Reg. 1296
330.680	Amendments	17 Ill. Reg. 1296
330.685	Amendments	17 Ill. Reg. 1296
330.3210	Amendments	17 Ill. Reg. 1296
330.3350	Amendments	17 Ill. Reg. 1296

- 10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

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- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson Street, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

long-term care facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the proposed amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	License
330.140	Issuance of an Initial License for a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse Licensee Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to Be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitor and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.273	Determination of the Level of a Violation
330.274	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed

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Waivers
Definitions
Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
330.510	Administrator

SUBPART C: POLICIES

Section	
330.610	Resident Care Policies
330.620	Admission and Discharge Policies
330.630	Contract Between Resident and Facility
330.640	Residents' Advisory Council
330.650	Personnel Policies
330.655	Initial Health Evaluation for Employees
330.660	Nursing Assistants
330.665	Student Interns
330.670	Disaster Preparedness
330.680	Restraints and Safety Devices
330.690	Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section	
330.810	General
330.820	Categories of Personnel
330.830	Consultation Services
330.840	Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section	
330.1010	Medical Care Policies
330.1020	Communicable Disease Policies
330.1025	Tuberculin Skin Test Procedures
330.1030	Medical Emergencies
330.1040	Behavior Emergencies
330.1050	Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

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Section	
330.1210	General Requirements for Nursing and Personal Care
330.1220	Supervision of Nursing Services
330.1230	Staffing
330.1240	Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section	
330.1410	Activity Program
330.1420	Specialized Rehabilitation Services
330.1430	Work Programs

SUBPART H: MEDICATIONS

Section	
330.1610	Medication Policies and Procedures
330.1620	Conformance With Physician's Orders
330.1630	Administration of Medication
330.1640	Labeling and Storage of Medications
330.1650	Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section	
330.1810	Resident Record Requirements
330.1820	Content of Medical Records
330.1830	Records Pertaining to Residents' Property
330.1840	Retention and Transfer of Resident Records
330.1850	Other Resident Record Requirements
330.1860	Staff Responsibility for Medical Records
330.1870	Retention of Facility Records
330.1880	Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section	
330.2010	Director of Food Services
330.2020	Dietary Staff in Addition to Director of Food Services
330.2030	Hygiene of Dietary Staff
330.2040	Diet Orders
330.2050	Adequacy of Diet and Meal Pattern
330.2060	Therapeutic Diets

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330.2070	Scheduling Meals
330.2080	Menu Planning
330.2090	Food Preparation and Service
330.2100	Food Handling Sanitation
330.2110	Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section	
330.2210	Maintenance
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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16870, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____).

NOTE: Italics and capitalization denote statutory language.

Section 330.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

Abuse shall be present in the following situations
Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or assured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

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Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault:

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY

RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT

RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE

EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF

ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules; but is not a type A or type B violation.

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Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF,
WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND
STOCKHOLDER THEREOF
WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE
FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND
EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE
OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH
THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER,
DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Amulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE.
(Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

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Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

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Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are sweating, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 2301 et seq.) [225 ILCS 25/1 et seq. (1992)].

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:
is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;
is manifest before age 22;
is likely to continue indefinitely;
results in substantial functional limitations in three or more of the following areas of major life activities:

- self-care;
 - receptive and expressive language;
 - learning;
 - mobility;
 - self-direction;
 - capacity for independent living; and
 - economic self-sufficiency; and
- reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:
is a qualified dietitian; or
is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or
is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a

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supervisor in a health care institution, which included consultation from a dietitian, or has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:
is eligible for registration by the American Dietetic Association; or
has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Care Aide - Any person who provides nursing care, personal care or psychosocial support to residents of specialized living facilities, regardless of title, and who is not a Qualified Professional, as defined in these rules. Direct Care Aides must function under the supervision of a licensed nurse when performing nursing or personal care duties.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.

(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.

(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

EMERGENCY - A SITUATION, PHYSICAL CONDITION OR ONE OR MORE PRACTICES, METHODS OR OPERATIONS WHICH PRESENT IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL OR MENTAL HARM TO RESIDENTS OF A FACILITY. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

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Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver, who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO DIVISION 5-21 OR 5-22 OF THE COUNTIES CODE (Ill. Rev. Stat. 1991, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq.) [55 ILCS 5/5-21001 et seq. and 5/5-22001 et seq. (1992)] OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1396 et seq.). A 'facility' may consist of more than one building as long as the buildings are on

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the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING: A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS; A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREOF, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85/1 et seq. (1992)]; ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10/1 et seq. (1992)]; ANY "COMMUNITY LIVING FACILITY" AS DEFINED IN THE COMMUNITY LIVING FACILITIES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4181 et seq.) [210 ILCS 35/1 et seq. (1992)]; ANY "COMMUNITY RESIDENTIAL ALTERNATIVE" AS DEFINED IN THE COMMUNITY RESIDENTIAL ALTERNATIVES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 621 et seq.) [210 ILCS 140/1 et seq. (1992)]; ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION, HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY; OR

ANY FACILITY LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AS A COMMUNITY-INTEGRATED LIVING ARRANGEMENT AS DEFINED IN THE COMMUNITY-INTEGRATED LIVING ARRANGEMENTS LICENSING AND CERTIFICATION ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1701 et seq.) [210 ILCS 135/1 et seq. (1992)]—(Section 1-13 of the Act); OR
ANY SUPPLEMENTARY RESIDENCE LICENSED UNDER THE SUPPORTIVE RESIDENCES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 9001 et seq.) [210 ILCS 65/1 et seq. (1992)]. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

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Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1991, ch. 110 1/2, par. 1-1 et seq.) [755 ILCS 5/1-1 et seq. (1992)]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 101.01 et seq.) [805 ILCS 105/101.01 et seq. (1992)]; or, by a county pursuant to Division 5-22 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-22001 et seq.) [55 ILCS 5/5 - 22001 et seq. (1992)]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

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Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF-DDs) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1991, ch. 111, par. 3651 et seq.) [225 ILCS 70/1 et seq. (1992)]

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART) by the American Medical Record Association under its requirements; or is a graduate of a school of medical

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record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

Neglect occurs when:

the alleged failure causing injury or deterioration is ongoing or repetitions; or
a resident required medical treatment as a result of the alleged failure; or
the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

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NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65/1 et seq. (1992)]. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75/1 et seq. (1992)].

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of

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mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL PARTNERSHIP CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OWNS THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 4121 et seq.) [225 ILCS 85/1 et seq. (1992)].

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1991, ch. 111 par. 4251 et seq.) [225 ILCS 90/1 et seq. (1992)].

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60/1 et seq. (1992)].

Probationary License - an initial license issued for a period of 120 days during which time

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the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Program Unit - a resident care unit in Specialized Living Facilities equivalent to a nursing unit in Skilled Nursing facilities as defined in this Part.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 5351 et seq.) [225 ILCS 15/1 et seq. (1992)].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy,

physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

REPEAT VIOLATION - FOR PURPOSES OF ASSESSING FINES UNDER SECTION 3-305 OF THE ACT, A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH A SUBSEQUENT INSPECTION INDICATES THAT AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLIED WITH, within a period of not more than twelve months from the issuance of the initial violation. A

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REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not repeatable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hung doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

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Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.) [225 ILCS 201 et seq. (1992)]; and
is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and
has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO DIRECTLY OR INDIRECTLY BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR

UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER

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OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.280(g)(8), 300.280(k)(2) and 300.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.180(b)(1) and 300.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TITLE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES

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PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TITLE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) The Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

Code Citation: 77 Ill. Adm. Code 300

2) Section Numbers:

300.330

Proposed Action:

Amendments

3) Statutory Authority:

The Nursing Home Care Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.
[210 ILCS 45/1-101 et seq. (1992)]

4) A Complete Description of the Subjects and Issues Involved:

The rules in Part 330 govern the Department of Public Health's licensure of sheltered care facilities. The Department is proposing these amendments to implement a consent decree in the case of Protection and Advocacy, Inc., v. John R. Lumpkin. The settlement agreement, which was signed on February 16, 1993, requires the Department to adopt emergency amendments to Parts 300, 330, 350, and 390 of Title 77 of the Illinois Administrative Code. Protection and Advocacy, Inc., is an Illinois not-for-profit corporation that advocates for the rights of mentally ill individuals and persons with developmental disabilities. The Settlement Agreement concerns the Department's operation of the 24-hour hotline required by the Abused and Neglected Long-Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4161 et seq.) [210 ILCS 30/1 et seq.]. The Settlement Agreement requires the Department to use court-ordered procedures in operating the hotline; to categorize allegations of abuse, neglect, or other resident injury in a uniform fashion; to report other resident injuries to the General Assembly in the same manner as reports of abuse or neglect; to file emergency amendments to Parts 300, 330, 350 and 390 to include expanded definitions of "abuse", "neglect", and "other resident injury"; and to handle as "anonymous" complaints wherein a named complainant cannot be located or proves to be fictitious. The Department adopted the emergency amendments effective May 6, 1993. These proposed amendments will replace the emergency amendments and amend Section 300.330 by expanding the definitions of "abuse" and "neglect", and adding a definition of "other resident injury".

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the notice in the Illinois Register.

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6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes X No

7) Does this Rulemaking Contain an Automatic Repeal Date?

Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations by Reference?

Yes No X

9) Are there any other Proposed Amendments Pending on this Part?

Yes X No

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
330.1025	New Section	16 Ill. Reg. 16520
330.640	Amendments	16 Ill. Reg. 17515
330.175	Amendments	17 Ill. Reg. 1296
330.180	Amendments	17 Ill. Reg. 1296
330.260	Amendments	17 Ill. Reg. 6059
330.270	Amendments	17 Ill. Reg. 1296
330.271	Amendments	17 Ill. Reg. 6059
330.278	Amendments	17 Ill. Reg. 6059
330.290	Amendments	17 Ill. Reg. 1296
330.640	Amendments	17 Ill. Reg. 1296
330.680	Amendments	17 Ill. Reg. 1296
330.685	Amendments	17 Ill. Reg. 1296
330.3210	Amendments	17 Ill. Reg. 1296
330.3330	Amendments	17 Ill. Reg. 1296

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

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11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson Street, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs.

B) Type of Small Businesses Affected:

long-term care facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	License
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse License Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed

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300.320 Waivers
300.330 Definitions
300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section
300.510 Administrator

SUBPART C: POLICIES

Section
300.610 Resident Care Policies
300.620 Admission and Discharge Policies
300.630 Contract Between Resident and Facility
300.640 Residents' Advisory Council
300.650 Personnel Policies
300.655 Initial Health Evaluation for Employees
300.660 Nursing Assistants
300.665 Student Interns
300.670 Disaster Preparedness
300.680 Restraints and Safety Devices
300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section
300.810 General
300.820 Categories of Personnel
300.830 Consultation Services
300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section
300.1010 Medical Care Policies
300.1020 Communicable Disease Policies
300.1025 Tuberculin Skin Test Procedures
300.1030 Medical Emergencies
300.1040 Behavior Emergencies
300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

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Section
300.1210 General Requirements for Nursing and Personal Care
300.1220 Supervision of Nursing Services
300.1230 Staffing
300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section
300.1410 Activity Program
300.1420 Specialized Rehabilitation Services
300.1430 Work Programs

SUBPART H: MEDICATIONS

Section
300.1610 Medication Policies and Procedures
300.1620 Conformance With Physician's Orders
300.1630 Administration of Medication
300.1640 Labeling and Storage of Medications
300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section
300.1810 Resident Record Requirements
300.1820 Content of Medical Records
300.1830 Records Pertaining to Residents' Property
300.1840 Retention and Transfer of Resident Records
300.1850 Other Resident Record Requirements
300.1860 Staff Responsibility for Medical Records
300.1870 Retention of Facility Records
300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section
300.2010 Director of Food Services
300.2020 Dietary Staff in Addition to Director of Food Services
300.2030 Hygiene of Dietary Staff
300.2040 Diet Orders
300.2050 Adequacy of Diet and Meal Pattern
300.2060 Therapeutic Diets

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300.2070 Scheduling Meals
300.2080 Menu Planning
300.2090 Food Preparation and Service
300.2100 Food Handling Sanitation
300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
300.2210 Maintenance
300.2220 Housekeeping
300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
300.2410 Furnishings
300.2420 Equipment and Supplies
300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section
300.2610 Codes
300.2620 Water Supply
300.2630 Sewage Disposal
300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.2810 Applicability of these Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
300.2860 Nursing Unit
300.2870 Dining, Living, Activities Rooms
300.2880 Therapy and Personal Care
300.2890 Service Departments
300.2900 General Building Requirements
300.2910 Structural

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300.2920 Mechanical Systems
300.2930 Plumbing Systems
300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section
300.3210 General
300.3220 Medical and Personal Care Program
300.3230 Restraints
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Residents' Funds
300.3270 Residents' Advisory Council
300.3280 Contract With Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge
300.3310 Complaint Procedures
300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section

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Application of Other Divisions of These Minimum Standards

300.3410	Administrator
300.3420	Policies
300.3430	Personnel
300.3440	Resident Living Services Medical and Dental Care
300.3450	Resident Services Program
300.3460	Psychological Services
300.3470	Social Services
300.3480	Recreational and Activities Services
300.3490	Individual Treatment Plan
300.3500	Health Services
300.3510	Medical Services
300.3520	Dental Services
300.3530	Optometric Services
300.3540	Audiometric Services
300.3550	Podiatric Services
300.3560	Occupational Therapy Services
300.3570	Nursing and Personal Care
300.3580	Resident Care Services
300.3590	Record Keeping
300.3600	Food Service
300.3610	Furnishings, Equipment and Supplies (New and Existing Facilities)
300.3620	Design and Construction Standards (New and Existing Facilities)
300.3630	

SUBPART R: DAYCARE PROGRAMS

Section	Day Care in Long-Term Care Facilities
300.3710	
300.APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Disaster Preparedness Parameters - Relative Humidity and Temperature

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AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982, amended at 6 Ill. Reg. 6454, effective May 14, 1982, amended at 6 Ill. Reg. 8198, effective June 29, 1982, amended at 6 Ill. Reg. 11631, effective September 14, 1982, amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982, amended at 6 Ill. Reg. 14684, effective November 15, 1982, amended at 7 Ill. Reg. 285, effective December 22, 1982, amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984, amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 29, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 544, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____ effective _____

NOTE: Italics and capitalization denote statutory language.

Section 300.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLECTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

Abuse shall be present in the following situations:

Physical abuse refers to the infliction of injury on a resident that occurs other

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than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;
COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;
SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;
INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;
OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45/1-101 et seq. (1992)].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time

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of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF;
WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF;
WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE.
(Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social,

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developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

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Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 2301 et seq.) [225 ILCS 25/1 et seq. (1992)].

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

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reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or
is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or
is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or
has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or
has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Care Aide - Any person who provides nursing care, personal care or psychosocial support to residents of specialized living facilities, regardless of title, and who is not a Qualified Professional, as defined in these rules. Direct Care Aides must function under the supervision of a licensed nurse when performing nursing or personal care duties.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

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Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

EMERGENCY - A SITUATION, PHYSICAL CONDITION OR ONE OR MORE PRACTICES, METHODS OR OPERATIONS WHICH PRESENT IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL OR MENTAL HARM TO RESIDENTS OF A FACILITY. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver, who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part.

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FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO DIVISION 5-21 OR 5-22 OF THE COUNTIES CODE (Ill. Rev. Stat. 1991, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq.) [55 ILCS 5/5-21001 et seq. and 5/5-22001 et seq.] (1992); OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF; OR BY THE STATE OF ILLINOIS; A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85/1 et seq.] (1992);

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10/1 et seq.] (1992);

ANY "COMMUNITY LIVING FACILITY" AS DEFINED IN THE COMMUNITY LIVING FACILITIES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4181 et seq.) [210 ILCS 35/1 et seq.] (1992);

ANY "COMMUNITY RESIDENTIAL ALTERNATIVE" AS DEFINED IN THE "COMMUNITY RESIDENTIAL ALTERNATIVES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 621 et seq.) [210 ILCS 140/1 et seq.] (1992);

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY; OR

ANY FACILITY LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AS A COMMUNITY-INTEGRATED

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LIVING ARRANGEMENT AS DEFINED IN THE COMMUNITY-INTEGRATED LIVING ARRANGEMENTS LICENSURE AND CERTIFICATION ACT (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1701 et seq.) [210 ILCS 135/1 et seq.] (1992);—(Section 1-113 of the Act), OR
ANY SUPPORTIVE RESIDENCE LICENSED UNDER THE SUPPORTIVE RESIDENCES LICENSING ACT (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 900/1 et seq.) [210 ILCS 65/1 et seq.] (1992). (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1991, ch. 110 1/2, par. 1-1 et seq.) [755 ILCS 5/1-1 et seq.] (1992) (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

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Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 101.01 et seq.) [1985 ILCS 105/101.01 et seq. (1992)]; or, by a county pursuant to Division 5-22 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 5-22001 et seq.) [55 ILCS 5/5 - 22001 et seq. (1992)]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

Home Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF-DDs) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1991, ch. 111, par. 3651 et seq.) [225 ILCS 70/1 et seq. (1992)].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

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Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

Neglect occurs when:
the alleged failure causing injury or deterioration is ongoing or repetitious; or

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a resident required medical treatment as a result of the alleged failure: or the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65/1 et seq. (1992)]. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an Occupational Therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75/1 et seq. (1992)].

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Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the

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Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4121 et seq.) [225 ILCS 85/1 et seq. (1992)].

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1991, ch. 111 par. 4251 et seq.) [225 ILCS 90/1 et seq. (1992)].

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60/1 et seq. (1992)].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Program Unit - a resident care unit in Specialized Living Facilities equivalent to a nursing unit in Skilled Nursing facilities as defined in this Part.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, par. 5351 et seq.) [225 ILCS 15/1 et seq. (1992)].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:
Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.
Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization

established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

REPEAT VIOLATION - FOR PURPOSES OF ASSESSING FINES UNDER SECTION 3-305 OF THE ACT, A VIOLATION THAT HAS BEEN CITED DURING ONE INSPECTION OF THE FACILITY FOR WHICH A SUBSEQUENT INSPECTION INDICATES THAT AN ACCEPTED PLAN OF CORRECTION WAS NOT COMPLIED WITH, within a period of not more than twelve months from the issuance of the initial violation. A REPEAT VIOLATION SHALL NOT BE A NEW CITATION OF THE SAME RULE, UNLESS THE LICENSEE IS NOT SUBSTANTIALLY ADDRESSING THE ISSUE ROUTINELY THROUGHOUT THE FACILITY. (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

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Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:
is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.) [225 ILCS 20/1 et seq. (1992)]; and
is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs), and
has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

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Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR
IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.280(q)(8), 300.280(k)(2) and 300.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.180(b)(1) and 300.260(0).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

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Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) The Heading of the Part: Monetary Award Program (MAP)

2) Code Citation: 17 Ill. Adm. Code 2735

3) Section numbers: Proposed Action:

2735.30 Amendment

4) Statutory Authority: AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act (111. Rev. Stat. 1991, ch. 144, pars. 1035 and 3020(f)). (See 87-997, effective September 3, 1992) [110 ILCS 947/35 and 947/20(f)].

5) A Complete Description of the Subjects and Issues Involved:

Section 2735.30 outlines the requirements for the filing of a MAP application. In order to provide a clear statement of expectations to student applicants, high school counselors and college student financial aid administrators, the Commission adopts priority processing guidelines and priority filing dates for applications for the Monetary Award Program. The guidelines are used to determine the extent to which students are eligible for full or partial year MAP awards, and are essential to the prudent fiscal management of the agency's appropriations. It is important to note, however, that these are simply "guidelines" and priority "consideration" dates which may need to be adjusted to ensure that ISAC stays within the limits of the annual MAP appropriations.

Section 2735.30(b) sets forth the priority consideration dates for MAP applications. Historically, students who were not enrolled during the previous academic year had been allowed a longer time frame within which to apply for assistance, under the presumption that they are less familiar with the process and deadline dates, and do not always have equal access to relevant application information. Continuing students, however, by virtue of being enrolled the previous year, were deemed to have access to the information they needed regarding application procedures and deadlines, and were therefore expected to apply earlier in order to be considered for a higher level of eligibility. Unfortunately, when the previous definition was adopted, the limitations inherent in the federally derived data drawn upon for purposes of determining MAP eligibility were not fully understood. While the definition was sufficient for the vast majority of students, it apparently failed to accommodate a small group of upperclass students who had not enrolled the previous year and were thus eligible to be treated as "first-time" MAP applicants at least with respect to the date by which they were required to submit their grant applications for full-year grant consideration. While ISAC staff and financial aid personnel at participating MAP institutions had made diligent efforts to inform potentially affected applicants of their right to appeal, there was a possibility that some students were either not aware of their rights or had been unnecessarily inconvenienced by the

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requirement to submit a formal appeal.

The amendments proposed to Section 2735.30(b) clarify the treatment of non-first year applicants who had not been enrolled the previous year. As set forth in these amendments, the date by which a student must apply in order to be considered a first-time applicant will depend upon whether or not the student had applied for a MAP grant during the previous year and will not depend upon whether or not the student had been enrolled the previous year. The data needed to determine the former is available to the Commission, while the data needed to determine the latter is not. All students applying for a MAP grant receive a letter informing them of the following year's application requirements and deadlines, and may therefore be assumed to be knowledgeable of those requirements and deadlines. For those students who did not apply the previous year, whether first-time freshmen or returning undergraduates, it is understood that they may be less familiar with the requirements and should thus be afforded a longer period of time in which to submit their applications. Most importantly, as all the data needed to implement these rules amendments is available to ISAC, affected upperclass students will no longer be required to file an administrative appeal in order to receive the full consideration to which they are entitled.

The addition of new Section 2735.30(c), sets forth the **priority processing guidelines** that ISAC will use to determine student eligibility for full or partial year awards, in conjunction with the priority application consideration dates identified in subsection (b). It is fiscally prudent to set reasonable priority processing guidelines so ISAC can make plans for the commitment of MAP awards to students. These guidelines are based on the operating principle that MAP award announcements will be suspended when available funds are committed and take into account a reasonable contingency reserve to provide for potential variations in enrollment and claim rates made by schools. The implementation and application of these priority processing guidelines is therefore subject to available funds appropriated for the program.

The deletion of Section 2735.30(b)(4) is prompted by the Higher Education Amendments of 1992 (P.L. 102-325, commonly known as "Reauthorization"), which no longer allow for special condition applications in the Federal Pell Grant Program.

New Section 2735.30(h) has been proposed to codify the procedure by which ISAC determines the potential release of or increase in MAP awards.

6) Will this proposed amendment replace an emergency rule currently in effect? Yes. The emergency rule amendment was published on April 30, 1993, at 17 Ill. Reg. 6672.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par 2203) [30 ILCS 805/3] and does not require that a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
106 Wilnot Road
Deerfield, Illinois 60015

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

The full text of the proposed amendments begin on the following page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 123: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735
MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Applicant Eligibility
2735.20	Application for MAP Grants
2735.30	Determination of Financial Eligibility
2735.40	Institutional Packaging of Gift Assistance
2735.50	Institutional Eligibility
2735.60	Enrollment Requirements
2735.70	Disbursement of MAP Grants
2735.80	Contractual Agreement Requirements
2735.100	Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act (111. Rev. Stat. 1991, ch. 144, pars. 3035 and 3020(f)). (See 87-997, effective September 3, 1992) [110 ILCS 94/7/35 and 94/7/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____, 1993.

Section 2735.30 Application for MAP Grants

- a) An application for a MAP grant must be submitted annually. Applicants may use any one of the forms which the United States Department of Education (ED) designates as an application form for the Pell Grant program. (See Section 483 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070a).)
- b) Priority Consideration Dates
 - i) Regular School Year applications must be received before June

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1 immediately preceding the Regular School Year for which the application is being made from students who were enrolled in a postsecondary institution during had applied for a MAP grant for the previous Regular School Year in order to receive priority consideration for a full year award. Regular School Year applications must be received before October 1 from students not enrolled during who had not applied for a MAP grant the previous Regular School Year in order to receive priority consideration for a full year award.

c1 Priority Processing Guidelines

21) Applications received after the priority dates. Students who file applications will be considered for full or partial year MAP awards based on available funds; if any, for partial-year or reduced awards and the following:

- A1 Prior to June 1 preceding the Regular School Year for which assistance is being requested, students who had not applied for a MAP award the previous Regular School Year and students who did apply for a MAP award the previous Regular School Year will both be considered for full-year awards.
- B1 From June 1 until October 1, students who had not applied for a MAP award the previous Regular School Year will be considered for full year awards; while students who did apply for a MAP award the previous Regular School Year will be considered for second semester or second and third quarter awards only.
- C1 On or after October 1, and until the date of final suspension of award announcements for that Regular School Year, students who had not applied for a MAP award the previous Regular School Year will be considered for second semester or second and third quarter awards only; while students who did apply for a MAP award the previous Regular School Year will not be considered for a MAP award at all.
- D1 During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous Regular School Year, and to students who did apply for a MAP award during the previous Regular School Year. Award announcements will be made concurrently through the date of suspension of award announcements.
- E1 If it becomes necessary to suspend the processing of award

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announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not applied for a MAP award for the previous Regular School Year and to students who did apply for a MAP award the previous Regular School Year.

- 4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.

- 3d) Students eligible for winter or spring term awards who have missed the June 1 priority date and who are graduating midyear may request that their winter or spring award be used for fall term.

- 4)----Applications from students qualifying for special conditions pursuant to the Pell Grant Program will be considered as long as there is available funding. (See 34 CFR 640.31 and 640.32 (1990).)

- 5g) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this subsection (b).

- e) When an application is incomplete, a notice will be sent to the Applicant. The Applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the Applicant may be considered only for subsequent Term(s).

- 4g) ISAC informs Applicants that they are MAP recipients on the basis of application data. All announced MAP recipients are subject to Verification and the availability of funds.

- h) The Commission shall annually establish guidelines for the release of or increase in MAP awards as additional funds become available.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Tariff Filings

- 2) Code Citation: 83 Ill. Adm. Code 745

- 3) Section Numbers: Adopted Action:

745.10 Amendment
745.15 Amendment
745.20 Amendment
745.30 Amendment
745.110 Amendment
745.200 Amendment
745.210 Amendment
745.220 Amendment
745.221 New Section
745.225 Amendment
745.300 New Section
745. EXHIBIT B Amendment

- 4) Statutory Authority: Implementing Sections 13-501, 13-502, and 13-504 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-501, 13-502, 13-504, and 10-101, as amended by P.A. 87-856, effective May 14, 1992) [220 ILCS 5/13-501, 13-502, 13-504, and 10-101].

- 5) Effective Date of Amendments: July 1, 1993

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these amendments contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: June 23, 1993

- 9) Notice of Proposal Published in Illinois Register:

July 10, 1992, at 16 Ill. Reg. 10513.

- 10) Has JCAC issued a Statement of Objections to these amendments? No.

- 11) Difference(s) between proposal and final version: References to ILCS added.

Section 745.300(b): added by agreement with JCAC.

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The adopted amendments update the Commission's regulation of tariff filings to comply with the amendments to the Public Utilities Act that were enacted in P.A. 87-856. The amendments also add Section 745.300 dealing with reclassification of services.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 745
TARIFF FILINGS

SUBPART A: GENERAL PROVISIONS

Section	Applicability
745.10	Definitions
745.15	General Filing Requirements
745.20	Classification of Tariffs
745.30	

SUBPART B: NONCOMPETITIVE TARIFFS

Section	Filing Requirements for Noncompetitive Tariffs
745.100	Simplified Noncompetitive Tariff Filings Under
745.110	Section 13-504

SUBPART C: COMPETITIVE TARIFFS

Section	Filing Requirements for Competitive Tariffs Generally
745.200	Additional Provisions Concerning Tariffs Filled Under
745.210	Section 13-502(e)
745.220	Post-filing Proceedings Under Section 13-502(e)
745.221	Rate Changes for Competitive Services
745.225	Interim Orders

SUBPART D: RECLASSIFICATION OF SERVICES

745.300 Reclassification

EXHIBIT A Notice of Competitive Tariff Filing Under Section 13-502(e)

EXHIBIT B Notice of Simplified Noncompetitive Tariff Filing Under Section 13-504

AUTHORITY: Implementing Sections 13-501, 13-502, and 13-504 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-501, 13-502, 13-504, and 10-101 (see P.A. 87-856, effective May 14, 1992)) [220 ILCS 5/13-501, 13-502, 13-504, and 10-101].

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SOURCE: Emergency rules adopted at 10 Ill. Reg. 765, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 10515, effective May 30, 1986; amended at 11 Ill. Reg. 8988, effective May 1, 1987; amended at 17 Ill. Reg. 10258, effective July 1, 1993.

Act (Ill. Rev. Stat. 1985, ch. 111 2/3, pars. 9-101, 9-102, 9-103).

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)

NOTE: Statutory language is denoted by capital letters.

Section 745.30 Classification of Tariffs

- a) ~~Classification as competitive or noncompetitive.~~

1) As required by Section 13-502 of the Public Utilities Act (Ill. Rev. Stat. 1985, ch. 111 2/3, pars. 13-502), ALL TELECOMMUNICATION SERVICES OFFERED OR PROVIDED UNDER TARIFF BY TELECOMMUNICATIONS CARRIERS SHALL BE CLASSIFIED AS EITHER COMPETITIVE OR NONCOMPETITIVE. ANY TARIFF FILED WITH THE COMMISSION SHALL CLEARLY INDICATE WHETHER THE SERVICE TO BE OFFERED OR PROVIDED IS COMPETITIVE OR NONCOMPETITIVE. Tariffs for noncompetitive services shall comply with Subpart B of this Part, and tariffs for competitive services shall comply with Subpart C of this Part.

"Public Utilities Act" means the Public Utilities Act (Ill. Rev. Stat. 1985, ch. 111 2/3, pars. 1-101 et seq.) as amended by P.A. 87-856, effective May 14, 1992 [220 ILCS 5].

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)

Section 745.20 General Filing Requirements

- a) NO TELECOMMUNICATIONS CARRIER SHALL OFFER OR PROVIDE TELECOMMUNICATIONS SERVICE UNLESS AND UNTIL A TARIFF IS FILED WITH THE COMMISSION WHICH COMPLIES WITH THIS PART AND WHICH DESCRIBES THE NATURE OF THE SERVICE, APPLICABLE RATES AND OTHER CHARGES, TERMS AND CONDITIONS OF SERVICE, AND THE EXCHANGE, EXCHANGES OR OTHER GEOGRAPHICAL AREA OR AREAS IN WHICH THE SERVICE SHALL BE OFFERED OR PROVIDED (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 13-501 Section 13-501 of the Act).

- b) As required by Section 13-503 of the Public Utilities Act (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 13-503), WITH RESPECT TO RATES OR OTHER CHARGES MADE, DEMANDED OR RECEIVED FOR ANY TELECOMMUNICATIONS SERVICE OFFERED, PROVIDED OR TO BE PROVIDED, WHETHER SUCH SERVICE IS COMPETITIVE OR NONCOMPETITIVE, TELECOMMUNICATIONS CARRIERS SHALL COMPLY WITH THE PUBLICATION AND FILING PROVISIONS OF SECTIONS 9-101, 9-102, AND 9-103 of that

- 2) All services for which effective tariffs are on file with the Commission on December 31, 1985, shall be classified as noncompetitive effective January 1, 1986. Therefore, telecommunications carriers may classify these and other services as competitive by complying with the requirements of this Part.

- b) All tariffs filed after January 1, 1986, shall state whether the service to be provided is an interexchange telecommunications service, a local exchange telecommunications service, neither or both.

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)

SUBPART B: NONCOMPETITIVE TARIFFS

Section 745.110 Simplified Noncompetitive Tariff Filings Under Section 13-504

- a) The simplified ratemaking provisions of Section 13-504 of the Public Utilities Act (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 13-504) shall only apply to ANY PROPOSED CHANGE IN RATES OR CHARGES, OR PROPOSED CHANGE IN ANY CLASSIFICATION OR TARIFF RESULTING IN A CHANGE IN RATES OR CHARGES. All other proposed changes shall be filed in

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accordance with the requirements of Article IX of the Public Utilities Act (Ill. Rev. Stat. 1985, ch. 111-2/37 pars. 9-101 through 9-252).

- b) Local exchange telecommunications carriers which that file proposed tariffs pursuant to the simplified procedure set forth in Section 13-504 of the Public Utilities Act shall give 30 DAYS NOTICE TO THE COMMISSION AND ALL POTENTIALLY AFFECTED CUSTOMERS (Section 13-504 of the Act Ill. Rev. Stat. 1985, ch. 111-2/37, par. 13-504).

c) Form of Notice

- 1) The local exchange telecommunications carrier shall provide notice to all existing customers whose currently billed rates or charges will be different as a result of the proposed tariff by mailing this notice, postage prepaid, three days prior to the date that the proposed tariff is filed with the Commission. Such notice shall be substantially in the form of Exhibit B of this Part and shall contain all of the information provided for in that Exhibit.

- 2) Notice to all other customers of the local exchange telecommunications carrier shall be by notice published in a secular newspaper of general circulation (that has been regularly published for at least six months prior to the publication of such notice) in the area served by the carrier. Notice shall be published no later than the day on which the proposed tariff is filed with the Commission. Such notice shall be substantially in the form of Exhibit B and shall contain all of the information provided for in that Exhibit.

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)

SUBPART C: COMPETITIVE TARIFFS

Section 745.200 Filing Requirements for Competitive Tariffs Generally

- a) In addition to the requirements imposed by Subpart A of this Part, telecommunications carriers shall, with respect to tariffs filed pursuant to Section 13-502 of the Public Utilities Act under which competitive services are to be offered or provided, comply with the require-

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ments imposed on public utilities by 83 Ill. Adm. Code 255.30 (except subsections (i) and (j)), with the remainder of this section, and with Section 745.210 when the filing is made under Section 13-502(e) of the Public Utilities Act.

- b) As provided in Section 13-502 of the Public Utilities Act, prior to August 1, 1987, any telecommunications carrier which seeks to file a tariff classifying a new interexchange telecommunications service as competitive or reclassifying a previously noncompetitive interexchange telecommunications service as competitive shall apply for prior Commission approval of such tariff pursuant to the procedures of Section 13-502(e).

- c) All tariffs classifying a service as competitive shall clearly state whether they are being filed pursuant to Section 13-502(b) or Section 13-502(e) of the Act.

- d) All such tariffs shall be accompanied by a verified statement (see 83 Ill. Adm. Code 200.130) which:

- 1) specifically alleges that, for some identifiable class or group of customers in an exchange, group of exchanges, or some other clearly defined geographical area, such service, or its functional equivalent, from more than one provider, whether or not any such provider is a telecommunications carrier subject to regulation under the Public Utilities Act;
- 2) specifically identifies, through the use of descriptions, maps, or equivalent means, the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area for which the classification is made;
- 3) specifically describes the service, its functional equivalent, or the substitute service for which classification is being made; and
- 4) specifies:
 - A) one or more entities that provide the same service, its functional equivalent, or a substitute service, and

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- B) the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area to whom such service is offered by such entity or entities.

- (d) If a telecommunications carrier which files a tariff classifying a service as competitive or reclassifying a previously noncompetitive telecommunications service as competitive also offers or provides noncompetitive telecommunications service, it shall file a study of the long-run marginal cost of service incremental cost for the service being classified as competitive at the time the tariff is filed (Section 13-502 of the Act ~~111~~. Rev. Stat. 1995, ch. 111 2/3, par. 13-502). For purposes of this subsection, a long-run marginal study is a study that identifies the total cost required to meet a sustained marginal increase in demand at any particular time period in each year, presuming optimal adjustments in a telecommunications carrier's plant and equipment.
- (e) Tariffs filed pursuant to Section 13-502(b) of the Act take effect immediately upon filing; proposed tariffs filed pursuant to Section 13-502(e) of the Act take effect as provided in that Section and in Section 745.220 of this Part.

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)
Section 745.210 Additional Provisions Concerning Tariffs Filed Under Section 13-502(e)

All telecommunications carriers filing proposed tariffs classifying a service as competitive under Section 13-502(e) of the Public Utilities Act shall comply with the requirements set forth in the remainder of this Section, in addition to those requirements stated in Section 745.200.

- a) An application shall be filed with the Commission FOR AN ORDER FINDING THAT THE PROPOSED TARIFF IS PROPER AND CONSISTENT WITH LAW. This application must accompany the proposed tariff and the application required by Section 745.200(d) (Section 13-502 of the Act ~~111~~. Rev. Stat. 1995, ch. 111 2/3, par. 13-502).

- b) Notice-

- 1) ANY TELECOMMUNICATIONS CARRIER APPLYING FOR COMMISSION APPROVAL of a proposed tariff under Section

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13-502(e) SHALL PROVIDE TIMELY AND EFFECTIVE NOTICE OF ITS APPLICATION AND PROPOSED TARIFF TO POTENTIALLY AFFECTED PROVIDERS AND CUSTOMERS BY ~~causing to be published publishing in the official State newspaper and in some secular newspaper (that has been regularly published for at least 6 months prior to the publication of such notice) in general circulation in the exchange, group of exchanges or other geographical area to be served under the proposed tariff, a notice containing the information specified in the form of Exhibit A of this Part, not more than 21 days before the proposed tariff is filed.~~

- 2) Certificates of the publication required by subsection (b) (1) above shall accompany the proposed tariff when filed. Lists of the names and addresses of newspapers of general circulation in the State are available from the Chief Clerk of the Commission at 527 E. Capitol, Springfield, Illinois 62706.

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)
Section 745.220 Post-filing Proceedings Under Section 13-502(e).

- a) The Commission shall enter into hearings on a proposed tariff if any potentially affected provider or customer requests a hearing under Section 13-502(e) of the Public Utilities Act by filing a request for such a hearing not later than 10 days after the proposed tariff is filed.

- b) IF THE COMMISSION ENTERS INTO HEARINGS UPON THE APPLICATION, IT SHALL ENTER A FINAL ORDER WITHIN 45 180 DAYS OF SUCH APPLICATION, AND, IF THE COMMISSION FAILS TO ENTER AN ORDER WITHIN SUCH PERIOD, THE APPLICATION SHALL BE DEEMED GRANTED. UNLESS, HOWEVER, THE COMMISSION, THE APPLICANT AND ALL PARTIES TO THE HEARING AGREE TO EXTEND SUCH TIME PERIOD (Section 13-502 of the Act ~~111~~. Rev. Stat. 1995, ch. 111 2/3, par. 13-502).

- c) The Commission shall enter into hearings on its own motion concerning any proposed or effective tariff when the Commission finds that it cannot make a determination based on the allegations contained in the verified statement required by Section 745.200(e).

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)

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Section 745.221 Rate Changes for Competitive Services
Requirements for proposed changes in rates for competitive services
are found in Section 13-505 of the Act.

(Source: Added at 17 Ill. Reg. 10258 effective July 1, 1993)

Section 745.225 Interim Orders

The Commission shall issue an interim order if the Commission finds
that an interim order will advance the legislative policy enu-
merated in Section 13-103 of the Public Utilities Act (Ill. Rev.
Stat., 1985, ch. 111-2/3, par. 13-103). Any conditions imposed will
be those needed to carry out the policy of Section 13-103 of the
Public Utilities Act under the circumstances of the particular
case.

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)

SUBPART D: RECLASSIFICATION OF SERVICES

Section 745.300 Reclassification

a) If the Commission enters into a hearing upon complaint
pursuant to Section 13-502(b) of the Act regarding the
propriety of any classification, the complaint is deemed
granted if the Commission fails to issue an order within
180 days from the date such hearing is initiated. For
purposes of complaints filed under Section 13-502(b),
failure of the Commission to issue an order within 180
days shall result in the reclassification of the service
that is the subject of the complaint.

b) Pursuant to Section 13-502(b) of the Act, THE COMMISSION,
THE APPLICANT, AND ALL PARTIES TO THE HEARING MAY AGREE
TO EXTEND SUCH 180 DAY TIME PERIOD.

(Source: Added at 17 Ill. Reg. 10258, effective July 1, 1993)

Section 745.EXHIBIT B Notice of Simplified Noncompetitive Tariff
Filing under Section 13-504

To the customers of _____:
(Company)

(Date)

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The _____ (Company) hereby gives notice that on
_____ (Date) it will file a proposed tariff that makes
a change in its rates, charges, or classifications resulting in a
change in rates or charges for local exchange telecommunications
service pursuant to Section 13-504 of the Public Utilities Act.

(1) State whether the change is in rates, charges, classifi-
cation, rule or regulation.)

(2) Give present and proposed rates so consumer can deter-
mine the effect on his or her bill.)

(3) Give area or exchange that is affected by tariff
filing.)

This proposed tariff will become effective 30 days after it is
filed with the Illinois Commerce Commission. The Commission may

investigate the proposed change. The Commission must investigate
whether the proposed change is just and reasonable if a telecommu-
nications carrier that is a customer of the local exchange telecom-
munications carrier or the lesser of 5 percent or more 75 of the
potentially affected subscribers of the company file a petition or
complaint with the Chief Clerk of the Commission requesting an
investigation.

Additional information concerning this filing may be obtained

from _____, _____ (Address)
at _____ (Company) _____, or from the Chief Clerk, Illinois
Commerce Commission, 527 East Capitol Avenue, P.O. Box 4905 19280,
Springfield, Illinois, 62704 62794-9280, (217) 782-7434.

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(Signature)

(Title)

(Source: Amended at 17 Ill. Reg. 10258, effective July 1, 1993)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED RULE(S)

1) Heading of the Part: Claimant's Reason For Separation From Work

2) Code Citation: 56 Ill. Adm. Code 2840

3) Section Number: 2840.25 Adopted Action: New Section

4) Statutory Authority: Ill. Rev. Stat., 1991, ch. 48, pars. 432, 610 and 611 [620 ILCS 405/602, 405/1700 and 405/1701].

5) Effective Date of the Amendment: June 29, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this Rule contain an incorporation by reference? No.

8) Date filed in Agency's Principal Office: June 29, 1993.

9) Notice of Proposal published in Illinois Register: January 29, 1993 at 17 Ill. Reg. 886.

10) Has JCAR issued a Statement of Objection to these Rules? No.

11) Difference between proposal and final version: One additional example was added to subsection (b) and to subsection (c). Subsection (d) was added.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? Yes.

Section Numbers Proposed Action Ill. Reg. Citation

2840.125 New Section

17 Ill. Reg. 8403
(June 11, 1993)

15) Summary and purpose of the rules: There appears to be some confusion as to what constitutes "harm" for the purpose of interpreting Section 602 of the Act. This rule is intended to provide the public with the agency's interpretation of that term.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED RULE(S)

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED RULE(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER I: ELIGIBILITY FOR BENEFITS

PART 2840
CLAIMANT'S REASON FOR SEPARATION FROM WORK

SUBPART A: MISCONDUCT

Section

2840.25 What Is Meant By "Harm"

AUTHORITY: Implementing and authorized by Sections 602, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1991, ch. 48, pars. 432, 610 and 611) [820 ILCS 405/602, 405/1700 and 405/1701].

SOURCE: Adopted at 17 Ill. Reg. 10270, effective June 29, 1993.

SUBPART A: MISCONDUCT

Section 2840.25 What Is Meant By "Harm"

The phrase "...has harmed the employing unit or other employees" in Section 602A of the Act (Ill. Rev. Stat. 1991, ch. 48, par. 432A) [820 ILCS 405/602A] includes, but is not limited to:

- a) physical or quantitatively measurable damage or injury;
 - b) other damage or injury to other employees' well-being or morale or to the employer's property, operations or goodwill;
- 1) Example: An individual is dissatisfied because he does not receive a raise. He confronts his supervisor and threatens to injure him, if not immediately, at some time soon. The threat itself, even in the absence of a physical assault resulting in a tangible injury, constitutes harm.
 - 2) Example: Without authorization, an individual enters the company president's office, opens a desk drawer and removes and photocopies trade secrets. Even if the individual decides not to pass along this information to others, the removal and photocopying of trade secrets constitutes harm.

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3) Example: An employer has a point system for evaluating tardiness and absence. When the worker exceeds the allotted number of points in a particular period, he is subject to discharge. Absences and tardiness always cause harm to employer, even if a worker is allowed to make up the time. This is because absences and tardiness cause disruption to the general operations of any business. However, even before reaching the question of harm, the worker's reason for his last tardiness or absence must be reviewed in order to determine if the worker's conduct was willful.

c) damage or injury that could be reasonably foreseen to occur but for the individual being prevented from either carrying out his act or continuing to work;

1) Example: At the end of her shift, a grocery store checker is stopped at the exit by a security guard. The security guard removes from the checker's purse a can of fruit cocktail and a package of sandwich cookies belonging to the employer. Because the checker was caught, the employer was not deprived of its property. Still, this constitutes harm.

2) Example: An individual applies for a job which requires that he have a valid driver's license. On his application, he fails to disclose that his driver's license had been suspended. One year later, the employer learns of the suspension. Although the individual has not yet been involved in any accidents on the employer's premises, it is reasonable to foresee that one may occur and that the employer's insurance company would deny liability because of the individual's omission. The individual's omission on his application constitutes harm.

3) Example: Federal law provides that a commercial carrier may not permit its vehicles to be operated by an individual if there is, within the individual's system, the presence of unlawful, controlled substances beyond a particular level. The presence of such a substance during working hours within the system of a commercial driver employed by the carrier constitutes harm to the carrier. To continue to

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED RULE(S)

employ the individual as a driver would result in the carrier's violating federal law.

4) Example: The individual is driving a forklift truck through the employer's warehouse at excessive speeds. It is reasonably foreseeable that such conduct could result in both injuries and property damage. Even if the conduct is stopped before such injuries or damage occur, there is still harm to the employer.

d) It should be noted that harm is only one element of the definition of misconduct and that all of the elements set forth in the Act must be analyzed before a finding of misconduct can be made.

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties

- 2) Code Citation: 56 Ill. Adm. Code 2765

- 3) Section Number: Adopted Action:
New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572, 1, 573, 578, 579, 610, 611 and 750 [820 ILCS 405/212, 405/302, 405/500, 405/601, 405/602, 405/603, 405/612, 405/701, 405/1400, 405/1401, 405/1402, 405/1403, 405/1404, 405/1405, 405/1502, 1, 405/1503, 405/1507, 405/1508, 405/1509, 405/1700, 405/1701, 405/2201, 405/2201.1 and 405/2600].

- 5) Effective Date of the Amendment: June 29, 1993.

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this Rule contain an incorporation by reference? No.

- 8) Date filed in Agency's Principal Office: June 29, 1993.

- 9) Notice of Proposal published in Illinois Register: March 5, 1993 at 17 Ill. Reg. 2523.

- 10) Has JCAR issued a Statement of Objection to these Rules? No.

- 11) Difference between proposal and final version: In the Authority Note, all references to "405/" except the first have been deleted from the Compiled Statutes Citation; the comma has been deleted after "interest" in the first sentence of subsection (a); a comma has been added in the first sentence in the next to the last sentence in example 2 of subsection (a); and the comma has been deleted after "section" in subsection (d).

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will this replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and purpose of the rules: This amendment sets forth the grounds under which the Director will waive interest which accrues as a result of extraordinary delays by the Department in hearing contested assessment cases.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Rameil, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF ADOPTED AMENDMENT (S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS
PART 2765
PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section	Unemployment Contributions Not Deductible From Wages
2765.1	Definitions
2765.5	Payment Of Contributions
2765.10	Liability For The Entire Year
2765.15	Liability Of A Third Party Purchaser Or Transferee For
2765.18	The Due And Unpaid Contributions, Interest And Penalties
	Of The Seller Or Transferor's Seller Or Transferor
	Contributions Of Employers By Election
2765.20	Payments In Lieu Of Contributions
2765.25	When Payments In Lieu Of Contributions Payable
2765.30	Payments When Reimbursable Employer Becomes Contributory
2765.35	Payments When Contributory Employer Becomes Reimbursable
2765.40	Application Of Payment
2765.45	Accrual Of Interest
2765.50	Imposition Of Penalty
2765.55	Payment Or Filing By Mail
2765.60	When Payment Due And Consequences Of Upward Revision In
2765.63	Employer's Contribution Rate
2765.64	Consequences Where An Employee Leasing Company Has
	Erroneously Reported Wages And Paid Contributions Which
	Wages Should Have Been Reported And Contributions Paid
	By Its Client
2765.65	Waiver Of Interest Or Penalty
2765.66	Waiver Of Interest Accruing Because Of Certain Types Of
	Employees For Periods Prior To January 1, 1988
2765.67	Partial Waiver Of Interest Where An Employer Has
	Erroneously Reported Wages To The Wrong State
2765.68	Waiver Of Penalty For Certain Employers For 1987 And
	Thereafter Wage Reports
2765.69	Partial Waiver Of Interest Where An Employer Has
	Erroneously Paid Its Federal Unemployment Tax Act (FUTA)
	Tax In Full But Has Failed To Pay Its Illinois
	Unemployment Insurance Contributions
2765.70	Waiver Of Interest For Certain Nonprofit Organizations
	or Local Governmental Entities

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Waiver Of Interest Accruing Due To A Delay In The
Issuance Of A Decision On A Protested Determination And
Assessment
Time For Paying Or Filing Delayed Payment Or Report
Application For Waiver
Approval Of Application For Waiver
Insufficient Or Incomplete Application
Disapproval Of Application Conclusive
Appeal And Hearing

SUBPART B: EXPERIENCE RATING

Effect Of A Successor Employing Unit's Failure To Notify
The Director Of Its Succession
Prohibition On Withdrawal Of Joint Application For
Partial Transfer Of Experience Rating Record
Determination Of Benefit Wage And Benefit Ratio
Requirement For Privy In Order To Have A Predecessor
Successor Relationship
No Requirement For Continuous Operation In Order For A
Predecessor Successor Relationship To Exist
Effect Of A Transfer Of Physical Assets On A Finding
That A Predecessor Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

Application Of "30 Day" Requirement For Determining The
Chargeable Employer Pursuant To Section 1502.1 Of The
Act
Requirement For A Separation Or A Reduction In The Work
Offered In Determining The Chargeable Employer Pursuant
To Section 1502.1 Of The Act
What Constitutes A Day For Purposes Of The "30 Day"
Requirement In Section 1502.1 Of The Act
Application Of "30 Day" Requirement For Determining The
Chargeable Employer Pursuant To Section 1502.1 Of The
Act For Benefit Years Beginning On Or After January 1,
1993
Chargeability Where The Individual Is Discharged As A
Result Of His Incarceration
Effect Of Ineligibility Under Section 602(B) On
Chargeability Under Section 1502.1 Of The Act
Effect Of Ineligibility Under Section 612 On Charge-
ability Under Section 1502.1 Of The Act
Effect Of Ineligibility Under Section 614 On Charge-
ability Under Section 1502.1 Of The Act
Procedural Requirements And Right Of Appeal

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2765.335

DEPARTMENT OF EMPLOYMENT SECURITY

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AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 500, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600 of the Unemployment Insurance Act, as amended by P. A. 87-1178 effective September 22, 1992 (Ill. Reg. Stat. 1991, ch. 48, pars. 322, 382, 430, 431, 432, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 577, 578, 579, 610, 611, 681, 681.1 and 750) [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recorded at 8 Ill. Reg. 15027, amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988 for a maximum of 150 days expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989 for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 231, effective January 27, 1992, 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993.

SUBPART A: GENERAL PROVISIONS

Section 2765.71 Waiver Of Interest Accruing Due To A Delay In The Issuance Of A Decision On A Protested Determination And Assessment

- a) The Director shall find good cause for the waiver of all interest accrued upon unpaid contributions which are due and owing pursuant to a Determination and Assessment for any period from the 181st day after the date on which the employer filed its sufficient Petition to such Determination and Assessment (see 50 Ill. Proc. Code 2725.110) to 60 days after the date of the Decision of the Director in the matter (see 5 Ill. Adm. Code 2725.280), but only to the extent that the delay was not caused by the employer or its agent.

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- 1) Example: The employer files its sufficient Petition to protest a Determination and Assessment on March 1, 1993 after completion of the administrative process within the Department, a Decision of the Director affirming the Determination and Assessment is issued on October 15, 1993. Pursuant to this subsection, this employer will be entitled to a waiver of interest from August 29, 1993 (the 181st day after the date on which the employer filed its Petition) to December 14, 1993.
- 2) Example: The employer files a sufficient Petition to Protest a Determination and Assessment March 1, 1993. A hearing is scheduled for April 1, 1993. The employer's accountant is not available on April 1, 1993, so the employer requests a continuance until April 5, 1993 because the Director's Representative already has hearings scheduled for the month of April, a continuance is granted until May 12, 1993, the next available administrative date. After completion of the administrative process within the Department, a Decision of the Director affirming the Determination and Assessment is issued on October 15, 1993. Pursuant to this subsection, this employer will be entitled to a waiver of interest from October 9, 1993 (the 181st day after the date on which the employer filed its Petition plus the 41 day delay attributable to the employer's request for a continuance) to December 14, 1993.
- 3) Example: An employer association requests that the Director not make any decisions on Determination and Assessments based on a particular issue while the legislature is discussing a possible change in the statute on that issue. Any delays in issuing decisions on that particular issue caused by the Director agreeing to hold such cases are not attributable to the employer or its agent.
- 4) Example: On March 1, 1993, an employer files a sufficient Petition to protest a Determination and Assessment. A hearing is held on April 1, 1993. At the conclusion of the hearing, the employer's attorney requests 45 days in which to submit a

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brief in support of its position. Because this additional delay is attributable to the agent of the employer, these additional days are added in determining the extent of waiver to be granted to this employer.

- b) The provisions of Section 2765.74 shall not be applicable to requests for waiver under this Section.
- c) The payment of all contributions assessed, all penalties due and any interest not subject to waiver, within 60 days from the date of the Decision of the Director, is a condition precedent to a waiver of interest pursuant to this Section.
- Example: The Director issues a Decision affirming the Determination and Assessment on March 1, 1993. In this Decision, the Director grants conditional waiver pursuant to this Section from October 15, 1992 to April 30, 1993. If this employer has not yet paid this assessment, it has until April 30, 1993 to pay the contributions due. If the contributions are not paid by April 30, 1993, the condition precedent is not met, and the employer is not entitled to waiver under this Section.

- d) The granting of waiver under this Section does not foreclose the granting of waiver to the employer under another Section of this Part for another period.
- e) In a case where no objection is filed to the Recommended Decision of the Director's Representative and that Recommended Decision becomes the Decision of the Director pursuant to Section 2725.270(d), the date of the Director's Decision shall be the date on which the Recommended Decision of the Director's Representative becomes the Decision of the Director.

Example: The Recommended Decision of the Director's Representative is issued on October 1, 1993. If no objections are filed by October 21, 1993, the Recommended Decision becomes the Decision of the Director on October 22, 1993. October 22, 1993 is the date of the Decision of the Director.

(Source: Added at 17 Ill. Reg. 1027.5 effective June 29, 1993.)

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

- | 1) Heading of the Part: Grants | 2) Code Citation: 59 Ill. Adm. Code 103 | 3) Section Numbers: | Adopted Action: |
|--------------------------------|---|---------------------|-----------------|
| | | 103.10 | Amended |
| | | 103.11 | New Section |
| | | 103.15 | New Section |
| | | 103.20 | Amended |
| | | 103.25 | New Section |
| | | 103.30 | New Section |
| | | 103.40 | Repealed |
| | | 103.50 | Amended |
| | | 103.60 | New Section |
| | | 103.65 | Amended |
| | | 103.70 | Amended |
| | | 103.80 | Amended |
| | | 103.90 | Amended |
| | | 103.95 | New Section |
| | | 103.100 | Amended |
| | | 103.110 | Amended |
| | | 103.120 | Amended |
| | | 103.130 | Amended |
| | | 103.140 | Repealed |
| | | 103.150 | Amended |
| | | 103.160 | Amended |
| | | 103.165 | New Section |
| | | 103.170 | Amended |
| | | 103.180 | Amended |
| | | 103.190 | Amended |
| | | 103.200 | Repealed |
| | | 103.210 | New Section |
- 4) Statutory Authority: Implementing Sections 15, 34 and 34.1 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1991, ch. 91, pars. 100-15, 100-34 and 100-34.1) [20 ILCS 1705/15, 1705/34 and 1705/34.1] and the Community Services Act (Ill. Rev. Stat. 1991, ch. 91, pars. 901 et seq.) [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91, par. 5-104) [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1991, ch. 91, par. 100-5) [20 ILCS 1705/5].
- 5) Effective Date of Amendments: July 1, 1993.
- 6) Does this rulemaking contain an automatic repeal date? No.

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- 7) Do these amendments contain incorporations by reference?
This rulemaking incorporates by reference the standards of national accrediting bodies and federal regulations.
- 8) Date Filed in Agency's Principal Office: June 23, 1993.
- 9) Notice(s) of Proposal Published in Illinois Register: September 18, 1992 (16 Ill. Reg. 14078).
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Difference(s) between proposal and final version:

The Department made the following changes in response to recommendations received from the State Library:

The Section source notes for Sections 103.30 and 103.60 were corrected.

Section 103.10(b)(2)(C) - the phrase "of this Section" was added following the reference to "subsection (b)(1)(C)".

Section 103.90(f) - Language shown stricken in this subsection which is currently not on file was deleted. Labeling of subsection (f), (g) and (h) was corrected.

Section 103.120(d) - The phrase "subsections (1) through (6)" was substituted for the phrase "subsections (1) - (6)".

Section 103.170(a) - The phrase "subsections (c) through (e) of this Section" was substituted for the phrase "subsections (c) - (e) below".

Section 103.170(b)(1) - In the second sentence, the word "region" was added in after the phrase "reviewed by", then stricken; the word "Department" before the word "staff" was underscored. The third sentence was underscored.

The Department made the following changes in response to public comments:

Section 103.10 - In the second line, the phrase "and other rules and pertinent statutes" before the phrase "this Part" was deleted.

Section 103.15 - In the definition of "(n)etwork of services", the parenthetical statements were added.

Section 103.70(b)(1) - In the sixth line, the phrase "3-year" was substituted for the phrase "5-year".

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Section 103.90(f) - The phrase "financial assistance" was substituted for the word "discount" after the word "appropriate" in the second sentence.

Section 103.110(a)(1)(B) - Added, causing former subsections (B) and (C) to be relabeled subsections (C) and (D).

Section 103.110 (b)(3) - The phrase "who receive mental health or developmental disabilities services" was added.

Section 103.110(b)(18) and agency note - Added. The addition of this subsection caused the end word "and" in subsection (b)(16) to be deleted and the end period in subsection (b)(17) to be replaced by a semicolon and the word "and".

Section 103.120(a) - The phrase "and statement of cash flows" following the word "expenses" in the fourth sentence was deleted; the word "and" before the phrase "statement of functional expenses" and the fifth sentence were added.

Sections 103.130(e) and 103.150(e) - Added.

Section 103.170(b)(1) - In the second sentence, the word "submitted" was substituted for the word "reported". In the fourth sentence, the end phrase "on the Department's request" was added.

Section 103.120(b)(4) - The word "negative" before the word "variances" and the phrase "or greater" before the phrase "in contracted units" in the first sentence were added.

Section 103.120(d)(1)(B) - In the first sentence, the phrase "plus or" before the word "minus" was deleted.

Section 103.190(e)(4) - The final sentence was added.

The Department made the following changes in response to comments from the Joint Committee on Administrative Rules:

The letter "s" on the word "state" was capitalized in Sections 103.20(c), 103.70(a)(2), 103.90(f), 103.110(b)(18)(A) and (B), 103.160(d)(1)(A) and 103.190(e)(1).

The citations to the United States Code Annotated and the Code of Federal Regulations were corrected and updated to reference the 1992 editions in Sections 103.11 (definition of "Medicaid"), 103.20(c), 103.70(a)(1), 103.90(d), and 103.160(d)(1)(A) and (B).

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The phrase "of this Section" was substituted for the words "above", "immediately above", or "below" in Sections 103.90(g), 103.120(d), 103.120(d)(4)(C), (d)(5)(D), (d)(6)(A), (d)(6)(C), 103.130(b)(a) and 103.170(b)(5).

Section 103.11 - In the first subsection of the definition of "(a) accreditation", the date "1993" was substituted for the date "1992". A period was substituted for the end-semicolon in the last subsection.

In the definition of "(a) agency plan", the letters "g" and "a" in the phrase "grant agreement" in the first line were put in lower case.

In the definition of "(c) control", the first sentence was rewritten for clarity.

In the definition of "(g) grant agreement", the letters "g", "a", and "p" in the phrases "grant agreement" and "agency plan" in the sixth and seventh lines were put in lower case.

A definition for "(p) performance indicators" was added.

Section 103.15 - A comma was added after the word "specified" in the third line.

Section 103.20 - The dash before the word "service" in the second line was deleted and the word "individuals" in the sixth line was underscored.

Section 103.20(c) - The reference to the "federal alcohol, drug abuse and mental health services (ADMS) block grant funds" was replaced by a reference to the "federal Community Mental Health Services (CMHS) Block Grant funds" and the citation was updated.

Section 103.30 - The word "shall" was substituted for the word "must" and the last sentence was added.

Section 103.50(b) - The word "and" was substituted for the word "an" before the phrase "is equivalent" in the seventh line.

Section 103.60(a) - A comma was added after the word "activities" and deleted after the word "including" in the third line.

Section 103.60(b) - Rewritten.

Section 103.65 - Language was added to replace language which was repealed in the proposal.

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Section 103.70(a)(1) - The citation was updated, "CMHS" was substituted for "ADMS" and the phrase "the mentally ill" was replaced with the phrase "persons with mental illness." The letter "g" in the word "grant" in the third line was capitalized.

Section 103.70(a)(2) and (3) - The abbreviation "CMHS" was substituted for "ADMS." The letters "b" and "g" in the phrase "block grant" were capitalized.

Section 103.70(b)(3) - The end period was underscored.

Section 103.70(b)(6) - The phrase "(e) executive director" was replaced by the phrase "authorized agency representative" and the last two sentences which were repealed in the proposal were restored and updated as appropriate.

Section 103.70(d) - Rewritten.

Section 103.80(a)(b) and (c) - Added.

Section 103.90(d) - The citation was updated.

Section 103.100(h) - The last sentence was added.

Section 103.120(b)(3)(A), (B), and (C) - The word "after" was substituted for the word "of" following the word "days".

Section 103.120(d) - The word "the" before the word "subsection" was deleted.

Section 103.120(d)(6)(A) - The phrase "authorized agency representative" was substituted for the phrase "chief executive officer" after the word "agency's" in the fourth and fifth lines.

Section 103.120(e) - Rewritten for clarity.

Section 103.130(b)(4) - The phrase "agency executive directors" was replaced with the phrase "authorized agency representatives".

Section 103.150(e) - The word "grant" was added before the word "agreement" in the last line.

Section 103.165(a) and (b) - The word "may" before the phrase "be deemed" was replaced with the word "shall." The comma following the reference to Section 103.25 was replaced with the word "and" and the reference to Section 103.80 was deleted.

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Section 103.180(a) and (b) - The phrase "and guidelines" following the word "timeframes" was deleted and the word "by" was added after the word "established".

Section 103.190(e)(4) - The reference to Section 103.140(e) was corrected to read Section 103.150(e).

Section 103.210 - The heading was relabeled "Reallocation and lapsed funds".

Section 103.210(a) - The word "after" was substituted for the word "of" before the word "notification" in the eighth line. The comma following the word "department" in the sixth line was deleted.

Section 103.210 (c)(1) - A comma was added after the word "exists" in the third line.

The Department made the following technical changes:

All source notes were updated to reference the 17th volume of the Illinois Register. Citations to the Illinois Compiled Statutes were added in wherever necessary. These citations were corrected during discussions with JCAR.

In the definition of "(a)accreditation" in Section 103.11, the titles and dates for two references were updated. The title of the Agency Accreditation Manual was changed to the Manual on Agency Accreditation and the date "1992" was added. The title of the Consolidated Standards Manual was changed to Mental Health Standards and the date was changed to "1993".

In the definition of "Confidentiality Act" in Section 103.11 and in Section 103.120(d)(4)(b)(ii), an end period was added.

In the definition of "(g)grant agreement", the "a" on the word "agreement" was placed in lower case.

Sections 103.20(c) and 103.70(a) - The citation was updated to "1991".

Section 103.90(g) - The word "above" was added after the phrase "subsections (e) and (f)".

Section 103.95 - The comma after the word "including" was deleted.

Section 103.100(g) - The comma after the word "grants" in the second line was deleted.

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Section 103.110(a)(1)(C) (relabeled) - The phrase "of this Section" was substituted for the phrase "immediately following".

Section 103.120(b)(2)(A) - The comma after the word "column" and the word "to" before the word "show" in the fourth line were deleted.

Section 103.120(d)(3)(B) - The comma after the word "including" in the fourth line was deleted.

Section 103.120(d)(4)(C) - The word "after" was substituted for the word "of" after the phrase "20 days" in the fourth line.

Sections 103.120(d)(5)(D) and (d)(6)(A) - The word "above" was added after the phrases "subsection (d)(4)(C)" and "subsection (d)(5)(C)".

Section 103.130(a)(3) - In the second sentence, the word "within" was substituted for the word "with" before the phrase "45 days".

Section 103.130(a)(4) - The word "the" before the word "agency" was deleted.

Section 103.160(b)(1)(A) and (B) - The citations were updated.

Section 103.165(a) - The title "Mental Health Standards" was substituted for the title "Consolidated Standards Manual".

Section 103.170(b)(2) - The comma after the word "itself" in the second line was added.

Section 103.190(c) - The period after the word "report" was deleted.

Section 103.210(b)(1) - The second sentence was rewritten so that it was a complete sentence.

Section 103.210(c)(1) - The word "use" was substituted for the word "utilize" in the second line.

Section 103.210(d)(2) - The phrase "this Part" was substituted for the phrase "these rules" at the end of the first sentence.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this amendment replace an emergency rule? No.

14) Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Amendments: Part 103 is the Department's rule for community-based grant-funded programming. Revision of this Part began in March, 1991 and has included extensive discussion with community provider agencies.

Key changes include the addition of a "definitions" Section (Section 103.15), deletion of unnecessary administrative requirements concerning agency governing body and written procedure requirements. Several processes were streamlined, including Agency Plan submission and fiscal reporting. Outcome focused performance monitoring was added.

The thrust of the Part revisions are provision of flexibility in operation for community agencies and the inclusion of appropriate accountability processes. These amendments are a part of the Department's general effort for regulatory reform, with the intent of reducing or eliminating unnecessary regulation while upholding reasonable standards of accountability and assurance of the provision of quality services.

In addition, references to alcoholism and substance abuse programs, now under the jurisdiction of the Department of Alcoholism and Substance Abuse were deleted. Citations to state and federal statutes have been updated, and technical and grammatical corrections have been made.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Judith Hollenberg
Rules Administrator
Address: 403 Stratton Building
Springfield, IL 62765
Telephone: (217) 785-3313

The full text of the Adopted Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
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PART 103
GRANTS

SUBPART A: SYSTEM DESIGN

Section	Purpose
103.10	Definitions
103.11	Incorporation by reference
103.12	Geographic service area
103.13	Agency Governance
103.15	High-risk/target populations - (repeated - effective June 30, 1993)
103.20	Community operation of programs (Repealed)
103.25	General program and staffing requirements
103.30	Programs eligible for grants - (effective until June 30, 1993)
103.40	(repeated) - Fiscal management
103.50	Programs eligible for grants
103.65	Special organizational structures
103.70	Monitoring and evaluation
103.80	

SUBPART B: OPERATIONAL PROCEDURES

103.90	General provisions - Fiscal requirements
103.95	Grant negotiation process
103.100	General provisions - Accounting requirements
103.110	General provisions - Allowable/non-allowable expenses
103.120	General provisions - Audits
103.130	General provisions - Department review and hearing processes
103.140	Budget application (Repealed)
103.150	Agency Plan
103.160	Grant Agreement and addenda
103.165	Accreditation
103.170	Agency Plan compliance
103.180	Prerequisites for disbursement of funds
103.190	Interruption of disbursement and grant cancellation
103.200	Revenue/expense reports (Repealed)
103.210	Reallocation and lapsed funds

AUTHORITY: Implementing Sections 15, 34 and 34.1 of "AN ACT - modifying the powers and duties of the Department of Mental Health and Developmental Disabilities" Act (Ill. Rev. Stat. 1995 1991, ch. 91, pars. 100-15, 100-34 and 100-34.1) [20 ILCS 1705/15, 34 and 34.1] and the Community Services Act (Ill. Rev. Stat. 1995 1991, ch. 91, pars. 901 et seq.) [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and

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- C) Comprehensiveness does not require that each planning area have a complete range of mental health programs, or that each agency funded provide all programs. It does require that basic programs be available to each planning area, for all target populations.
- D) Specialized programs are often too costly, inefficient, or too difficult to duplicate in each planning area, but can be more completely developed as a region or multi-planning area program. The Department encourages such planning, so long as the geographic areas are clearly defined and agencies are committed to serving the population of the geographic area needing the services. For example, a residential facility or rehabilitation program may serve multiple planning areas or counties.
- E) Comprehensiveness does not require that each program element for each target population be provided separately within each planning area. Rather, multiple target populations can be served together in some programs when their needs are similar.
- F) There should not be unnecessary program duplication on the basis of diagnostic label. Persons handicapped by mental illness, alcoholism, or developmental disabilities can be programmed together so long as that program is appropriate to meet the individual needs of the recipient.

2)

Network of services

The Department, in partnership with a duly constituted mental health authority, service providers, and community residents, will seek to develop and maintain a planned, organized, and coordinated network for the delivery of mental health services in every planning area of the State. Such a network should emphasize continuity, accessibility, appropriateness and comprehensiveness.

3)

Accessibility of services

When the area is very large geographically, traveling teams or satellite program operations may be indicated. Satellite programs shall meet the minimum program specification set forth herein.

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- 4) Continuity of services
- Services must be systematically developed so that persons in need of mental health services can move through the system of services without constant re-establishment of eligibility or re-diagnosis, and receive the most adequate and suitable form of services which their needs dictate. Continuity implies that any agency is part of a broader network of services which assures that:
- A) The program will be coordinated with other agencies and generic services in the community to assure that the needs of recipients are met.
- B) The service system will build on the assets of its consumers and their community support systems by increasing their collective capacity to function at the maximum in the least restrictive environment appropriate to meet the needs of the recipients.
- C) Recipients will be eligible for treatment in one service element of the network. Particular attention must be paid to recipients who are or about to be discharged from state-operated facilities and are expected to engage in collaborative service planning activities as contained in the Recipient Discharge/Linkage/Aftercare Manual.*

Agency note: This manual is to be codified as 59 Ill. Adm. Code 125.

B)

Network descriptions

- i) Each agency applying for a Department grant shall describe the network to which it belongs and provide evidence of functioning work relationships among the elements of the network, including but not limited to: effective referral and linkage procedures; membership in active inter-agency affiliations; record and data exchange systems; designated liaison staff between agencies; and working letters and agreements.

- ii) A memorandum of intent describing the proposed network may be substituted by new agencies which

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are--not--currently--a--component--of--a--service
network.

- iii) Exchange-of-confidential-case-record-information among service providers must include appropriate authorization from the recipient parent or guardian (see Mental Health and Developmental Disabilities--Confidentiality Act--iii--Rev. Stat., ch. 91, par. 810-2c-4). Such exchange may be by personal contact, copies of recorder summaries, or by telephone. Additionally, where necessary, for alcoholism is concerned, the exchange of records must meet the provisions of the Chicago--Comprehensive Alcohol Abuse and Alcoholism--Prevention--Research--Treatment Rehabilitation Act of 1975 (42 U.S.C. 4582, 1983).

- iv) In order to provide dignified and prompt access to services, agencies shall limit complicated admission procedures and waiting lists.

- v) The agency must demonstrate an ongoing effort toward publicizing its program, functions, and location to all segments of the community.

- vi) Agencies shall develop accessibility for recipients of limited physical mobility in keeping with the intent of federal, state and local standards which assure physical accessibility for individuals of limited mobility.

In accordance with the Community Services Act (Ill. Rev. Stat. 1991, ch. 91, par. 901 et seq.) [405 ILCS 30], this Part establishes the Department of Mental Health and Developmental Disabilities' policies and procedures which are necessary to fund community agencies and programs which are eligible to receive grant-in-aid funding.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.11 Definitions

For the purpose of this Part, the following terms are defined:

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"Accreditation." A process establishing that a program complies with nationally recognized standards of care as set by one of the following:

Accreditation Manual for Hospitals (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1993);

Manual on Agency Accreditation (Council on Accreditation of Services for Families and Children (COA), 520 Eighth Avenue, Suite 2202B, New York, New York 10018, 1992);

Mental Health Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1993);

Standards for Services for People with Developmental Disabilities (Accreditation Council for Services for Developmentally Disabled Persons (Council), 8100 Professional Place, Suite 204, Landover, Maryland 20785, 1990);

Standards Manual for Organizations Serving People with Disabilities (Commission on Accreditation of Rehabilitation Facilities (CARF), 101 North Wilmet Road, Suite 500, Tuscon, Arizona 85711, July 1, 1992).

"Agency plan." A part of the grant agreement which identifies the services to be provided, the target population and the geographic areas to be served. It identifies how the services will be financed and through what budget items and funding sources.

"Authorized agency representative." The administrative head of an agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91, par. 1-100 et seq.) [405 ILCS 5].

"Community agency" or "agency." Local government or not-for-profit corporation under contract with the Department to provide services.

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91, par. 801 et seq.) [740 ILCS 110].

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"Control." For a not-for-profit corporation, control is indicated if current members of the governing body (or staff) of the agency comprise 50 percent or more of the governing body of the controlled entity or that governing body of the agency can select 50 percent or more of the controlled entity, or any combination of seats and selection that results in influencing 50 percent or more of the seats of the controlled entity. For a for-profit corporation, control is indicated if the agency owns or controls, by options or trust, 50 percent or more of the voting stock of the corporation, or has control over the selection of over 50 percent of the governing body of the for-profit corporation, or the hiring of its management. For a partnership, control is being a general partner in a limited partnership, or being a partner with more than 50 percent of the invested equity in a general partnership. For a sole proprietorship, control exists if the proprietor is a full or part-time employee of the grantee.

"Controlled entity." Any corporation, partnership or sole proprietorship that is controlled by the agency's governing body.

"Day mode." An administrative designation quantifying service activities which are delivered during any substantial and regularly scheduled portion of a specific 24-hour time period.

"Days." Calendar days unless otherwise specified.

"Department." The Department of Mental Health and Developmental Disabilities.

"Director." The Director of the Department of Mental Health and Developmental Disabilities.

"Event mode." An administrative designation quantifying service activities which are delivered in short, time-limited segments.

"Fair market value." The prevailing rate at which similar business is contracted in the agency's community, including the following specific criteria:

Fair market rent means up to plus 10 percent from the average of two estimates of appropriate rental costs from two local appraisers, which the agency is responsible for securing. If the appropriate rental cost is unclear, the Department and the agency shall establish a fair and appropriate fee.

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Fair market fees for personnel means, whenever possible, the like prevailing rates in the community on a per day or per hour basis.

"Geographic service area." A geographic division for the purpose of providing locally-operated networks of services. The Department's programs are funded through a structure of service areas.

"Governing body." The policy-making authority of an agency which establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies, and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the agency's mission.

"Grant agreement." When fully executed, the obligating instrument providing the basis for Departmental financial participation in grant-in-aid programs, and which formalizes the contractual relationship between the Department and the agency indicating the amount of Department funds which will be paid to the agency for the provision of services as described in the grant agreement and the agency plan.

"Individual" or "individuals." A person or persons who receives or receive mental health or developmental disability services.

"Lapse." Grant funds not expended at the expiration of the grant agreement, due to allowable expenses not meeting revenue for Department grant funds awarded by program.

"Lapse notice." A notification that the Department has determined potential lapsed funds, when the Department revenue by program exceeds allowable expense, by Department-funded program.

"Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual services plan are obtained. The qualified mental retardation professional, qualified mental health professional or staff under their supervision shall be responsible for assuring linkage.

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid under the provisions of Title XIX of the Social Security Act (42 U.S.C.A. 1396 et seq. (1992)), for eligible recipients

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including Aid to the Aged, Blind and Disabled (AABD), Aid to Families with Dependent Children (AFDC), Medical Assistance No Grant (MANG), Refugee Repatriation Program (RRP) recipients as well as Title XIX eligible Department of Children and Family Services (DCFS) wards.

"Network of services." A network which is developed and maintained by service providers, community residents (including consumers and consumer representatives), mental health service providers, the Department (including state-operated facilities) and which is planned, organized and coordinated for the delivery of mental disabilities services. Such a network will emphasize continuity, accessibility, appropriateness and comprehensiveness.

"Operating fund." A term inclusive of funds an agency may have in its accounting records, except those in a capital fund(s).

"Performance indicator." A qualitative and/or quantitative measure that can be included in the assessment of how well the mental health and developmental disabilities service system is functioning; in evaluating both outcomes and system processes; and in assessing all levels of the system including the system as a whole, the geographic service area, the agency, the State-operated facility, and the individuals receiving mental health or developmental disabilities services.

"Preliminary evaluation." The use of a system to evaluate the physical, social, developmental, behavioral and psychosocial aspects of an individual.

"Redistribution." A change in the distribution of the agency's total award between two or more individual program awards involving an intra-agency transfer of funds; therefore, the increases to individual programs are always balanced by the decreases to other programs, but not changing the agency total.

"Reduction." A decrease in the level of funding to a program currently receiving grant funds as well as a decrease to the agency total.

"Residential mode." An administrative designation quantifying service activities which are delivered in a specified living environment.

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"Services" or "mental health or developmental disability services." Any treatment or habilitation events or products as contracted for through the grant agreement and as specified in the agency plan.

"Supplemental." For a program currently receiving grant funds, a supplemental represents an increase to both the individual program award and the agency total. For a new program, a supplemental represents both the addition of a specific program award, and an increase to the agency total.

"Umbrella agencies." Those organizations which have overall legal, administrative, planning, and funding responsibility for delivery of services in more than one geographic service area.

(Source: Added at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.15 Incorporation by reference

Any rules of any agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified and do not include any later amendments or editions.

(Source: Added at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.20 Geographic service area

Agency plans shall be developed, presented, and reviewed in the context of the needs and resources within the geographic planning service area(s) to be served. The objectives stated in the plan shall be incorporated into the development of a community-based mental health delivery system which is one segment of the health and human service system serving individuals the problem areas of alcoholism, mental disabilities, and mental illness. Hereafter, in this Part, mental health services will refer to services provided to the mentally ill, the developmentally disabled and alcohol abusers through services or a network of services.

a) The agency will define and describe the specific geographic area to be served by each program. While there may be special considerations because of the nature of the area or population to be served, agencies are generally expected to relate their programs to a single planning area. Agencies are required to provide services in the grant-funded programs, up to the program's capacity and capability, for any recipient individuals in the target group who needs such services.

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b) In planning areas which have more than one agency providing the same program for a target population, written agreements between the involved agencies must specify for which aspects of the target population each will be responsible and how they will interact. This may be done on the basis of each agency serving a defined geographic portion of the planning area or a defined segment of the target population. This requirement does not imply denial of services to any individual on the basis of territorial responsibility. Rather, the requirement of clearly designated territorial responsibility for multiple service providers ensures that individuals needing services will be served.

c) All persons requesting services from any Department-funded agency must shall receive a preliminary evaluation and be provided with immediate crisis intervention, if needed, regardless of their home area. The agency receiving the request for services shall, if funded for these services, provide the services. If the agency is not funded to provide these services, an immediate referral shall be made to an agency nearby which is funded to provide such services. The agency receiving the referral shall, then, provide the services as requested. Pursuant to necessary the recipient individual's consent in accordance with the Confidentiality Act, linkage within to the recipient's individual's home area must be undertaken with an agency most suitable for responding to the recipient's individual's treatment and training needs. Mental Health and Developmental Disabilities Confidentiality Act, 111 Rev. Stat. 1963, ch. 94, par. 601 et seq.

c) Agencies receiving Federal Community Mental Health Services (CMHS) Block Grant funds (42 U.S.C.A. 300x et seq. (1992), Subparts I and III, Part B, Title XIX, Public Health Services Act (45 CFR 96 (1992)) through State financing shall assure that individuals admitted to Department facilities are screened and determined appropriate for that level of care or provide other treatment alternatives within the local community.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.25 Agency governance

a) Governing body

Each agency which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control, and operation of the agency and

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all programs, services, facilities and residences which it administers.

b) Consumer representation

Each agency shall have provisions for obtaining input from consumers and/or consumer representatives to the governing body.

(Source: Added at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.30 High-risk/target populations--(repealed--effective--June 30, 1983)--(repealed) Conflict of Interest

The agency shall adhere to current Illinois statutes regarding conflict of interest and adopt a written policy concerning conflict of interest. Illinois statutes regarding conflict of interest include, but are not limited to, the General Not-for-Profit Corporation Act of 1980 (111 Rev. Stat. 1991, ch. 32, par. 101.01 et seq.) [805 ILCS 105] and the Illinois Purchasing Act (111 Rev. Stat. 1991, ch. 127, par. 132.1 et seq.) [30 ILCS 305/1].

(Source: Section repealed at 7 Ill. Reg. 9304, effective July 27, 1983; Section added at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.40 Community operation of programs (Repealed)

a) Community involvement in the planning, development, operation, and funding--of--mental--health--programs--is--essential--before--the--Department--can--consider--granting--funds--Recognition--of--an--agency--as--a--community--service--provider--is--a--local--function--The--Department--is--responsible--for--endorsement--of--a--local--agency--receiving--grant--funds

b) Support of mental health services in the form of local tax funds and/or voluntary cash contributions is an indication of the presence of local approval. The amount and/or percentage of non-Department funds will be a factor influencing Department participation in program funding.

c) Department grants are available to governmental and non-governmental entities. Non-governmental entities must be incorporated on a not-for-profit basis. A copy of the incorporation papers must accompany the first grant application.

d) A policy making board is required and must represent the community to be served. To this end, it is recommended that at least one-third of the board members be unrelated to the recipients being

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served-by-the-agency.--Where multiple-community-areas-(Chicago)-or counties-(downstate)-are-included-in-one-planning-area, board representation-from-all-communities-and-counties-is-encouraged. Geographic, social, cultural, and economic interests should be represented, and participation-by-professionals, lay people, and consumers-of-service-is-also-encouraged. Provisions-must-be-made for-regular-membership-replacement.

e) Agencies-are-required-to-annually-provide-the-Department-with-a current-listing-of-board-membership

f) Conflict-of-interest

1) Since-board-members-conflict-of-interest-can-result-in-both dangerous-legal-issues-and-publicity-damaging-to-both-the agency-and-the-individual-board-member, the-Department requires-that-the-agency-maintain-rules-to-govern-itself-when conflict-of-interest-situations-arise--These-rules-should-be established-in-the-agency-constitution, bylaws-or-published policy.

2) To-avoid-conflict-of-interest, boards-cannot-include-salaried staff-members-of--Department-funded--agencies,--immediate relatives-of-salaried-staff-members-of-Department-funded agencies,--or-Department-staff.--Staff-members-of-other governmental-agencies, nursing-and-shelter-care-homes-or-any other-agency-which-is-a-component-of-the-Department-funded service-network-are-not-eligible-for-board-membership; if their-working-responsibilities-are-related-to-management, funding, policies, or development-of-mental-health-services. Exceptions-to-this-policy-may-be-made-in-unique-situations for-salaried-staff-members-of-Department-funded-agencies-and their-immediate-relatives.--All-such-exceptions-require written-justification-and-prior-written-approval-of-the regional-administrator.--Exceptions-for-Department-staff-also require-the-prior-written-approval-of-the-Director. Exceptions-may-include-but-are-not-necessarily-limited-to rural-settings-with-limited-mental-health-expertise. Affected-parties-will-be-notified-in-writing.

g) Agencies-which-operate-programs-in-geographic-areas-having #799a community-mental-health-boards-(Community-Mental-Health-Act, Ill. Rev.-Stat.-1981, ch.-91, pars.-984-et-seq.), #559a public-health boards-(Mn-Act-in-relation-to-the-establishment-and-maintenance-of county-and-multiple-county-public-health-departments, #111 Rev. Stat.-1981, ch.-111, pars.-20c-et-seq.)-or-#379a county-boards-for

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the-care-and-treatment-of-mentally-deficient-persons-(Mn-Act concerning-the-care-and-treatment-of-certain-mentally-deficient persons, Ill. Rev. Stat. 1981, ch.-91, pars.-201-et-seq.)-shall submit-a-copy-of-their-application-for-Department-funding-to-such local-boards-for-their-review-and-comments; at-the-time-their application-is-submitted-to-the-Department, these-local-boards shall-submit-to-the-regional-administrator-their-written-review-and-comments-within-60-days-after-receipt-of-the-application.--The regional-administrator,--or--designee,--will-then-review--these comments-and-respond-to-the-local-board-within-60-days-after receipt-of-the-board's-comments.

(Source: Repealed at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.50 General program and staffing requirements

a) Program requirements

1) Services-may-be-provided-at-the-facility-itself,--the recipient's-home, or-in-the-community.--All-settings-should-be-utilized-innovatively-in-order-to-reach-the-target populations.

2) Agencies-with-five-or-less-full-time-equivalent-direct program-staff-may-opt-to-submit-with-the-prior-approval-of the-regional-administrator, only-one-program-application. Such-applications-should-describe-all-elements-and-modalities utilized-in-providing-the-services.

3) Cumulative-case-records-including-an-individualized-services plan-shall-be-maintained-for-each-recipient.--The individualized-services-plan-must-state-the-goal(s)-for-each recipient;--Measurable-objectives--within-a-time-frame specified-by-the-agency's-professional-staff-in-consultation with-the-recipient-and-relevant-colleagues-are-recommended. Each-alcoholism-funded-program-is-strongly-urged-to-develop-a recipient-recordkeeping-system-equal-to-the-one-described-in the-Department's-Division--of--Alcoholism's--individual recipient-records-document-(individual-Client-Records, May 1978).

4) In-addition-to-these-policies-and-procedures-outlined-in other-areas-of-this-part, each-agency-is-required-to-develop written-policies-and-procedures-in-the-areas-of-recipient rights/human-rights,--behavior-management,--and--first-aid training.--Agencies-which-are-required-to-have-these-policies

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and procedures under licensure or certification standards shall continue complying with those standards.

- 5) Grant agencies shall not discriminate in the admission to and provision of needed services to recipients on the basis of race, color, sex, religion, national origin, ancestry, or handicap.

- 6) Admission policies and procedures shall be set forth in writing and be available for review.

- 7) All facilities and programs must be in compliance with applicable state licensing requirements and local ordinances with regard to fire, building, zoning, sanitation, health, and safety requirements. All alcohol treatment programs must be licensed by the Department of Public Health under the Standards for Alcoholism Treatment Programs.

b) Personnel requirements

- 1) Agencies shall not discriminate in the hiring or employment of staff on the basis of race, color, national origin, sex, religion, or handicap.

- 2) Personnel policies and procedures shall be set forth in writing and be available for review.

- 3) Merit system procedures are required of government agencies awarded federal funds.

- 4) Authority for administration and management, as set by the board, shall be delegated to a full-time executive.

- 5) A licensed physician (MD or DO) must assume medical and legal responsibility for medical services offered in any program including prescription of medications.

- 6) Professional mental health staff, such as psychologists, social workers, psychiatrists, psychiatric nurses, special educators, rehabilitation counselors, alcoholism counselors and category trained in patient counseling must be licensed and registered or certified by the State, as applicable to the discipline. When professional or untrained staff are used, they must be supervised by professional staff, and there must be an ongoing inservice training program in which they participate.

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Agencies funded by the Department shall meet the following general program requirements for all funded services:

a) Service setting

Services shall be provided in the setting most appropriate to the needs of the individual. This may include the individual's home, the agency, or the community. All settings shall be used innovatively in order to reach the target populations.

b) Recordkeeping

- 1) Cumulative case records including an individualized service plan shall be maintained for each person.

- 2) The individualized service plan shall state the goal(s) for each individual. The individual shall be afforded the opportunity and encouraged to participate in goal/objective selection. Goals/objectives shall include timeframes specified by the agency's professional staff, in coordination with the individual and relevant collateral. "Individualized service plan", as used herein, referred to is equivalent to "individual treatment plan" and "individual habilitation plan".

c) Behavior management and human rights review

Each agency is required to establish or ensure a process for the periodic review of behavior intervention and human rights issues involved in the individual's treatment and/or habilitation. Agencies required to have behavior intervention and human rights review policies and procedures under licensure or certification standards shall continue to comply with those standards.

d) Abuse and neglect

Each agency shall have and use a process for reporting and handling instances of abuse and neglect in accordance with applicable standards, regulations and laws.

e) Admission to programming

- 1) Grant agencies shall not discriminate in the admission to and provision of needed services to individuals on the basis of race, color, sex, religion, national origin, ancestry, or disability.

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- 2) Admission policies and procedures shall be set forth in writing and be available for review.

f) Compliance with life safety standards and requirements

All program facilities shall be in compliance with applicable state licensure requirements and local ordinances with regard to fire, building, zoning, sanitation, health, and safety requirements.

g) Personnel requirements

- 1) A licensed physician (MD or DO) shall assume medical and legal responsibility for medical services offered in any program, including prescription of medications.

- 2) All services shall be provided by appropriately trained staff, operating under the supervision of qualified clinical professionals.

h) Mandated services

- 1) Mandated services shall be provided according to the requirements as stated in the Department's rules at 59 Ill. Adm. Code 125, Recipient Discharge/Linkage/Aftercare.

- 2) The Department shall monitor the provision of mandated follow-up monitoring services as outlined in 59 Ill. Adm. Code 125.

i) Utilization review

Utilization review is the ongoing review of services delivered, their intensity and their duration, to determine adherence to generally accepted guidelines or standards regarding the individual's assessment, eligibility for service and appropriateness of services rendered. Agencies shall engage in a utilization review process for all program services.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.60 Programs eligible for grants (effective until June 30, 1983)
(repealed) Fiscal management

- a) The agency shall be managed in a manner consistent with sound fiscal standards. The agency shall maintain written policies and procedures regarding its fiscal activities, including but not

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limited to payroll, purchasing, cash management, relevant fee schedules, contracts and risk management. An annual budget shall be developed for each fiscal year and be approved and monitored by the governing body.

- b) If the agency has the responsibility for the management of the funds for the individuals it serves, such funds shall be accounted for on an individual basis.

(Source: Section repealed at 7 Ill. Reg. 9304, effective July 27, 1983;
Section added at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.65 Programs eligible for grants

- e) Introduction i) Assumptions of the Department of Mental Health and Developmental Disabilities community service system

- A) The system is a unified service approach which takes into account differences among disabilities.
- B) The system components are related or linked in such a way as to assure continuity of care.

- C) The system is designed to meet individual needs with services performed in the least restrictive environment appropriate to the needs of the recipient.

- D) The system will periodically evaluate the services of each active recipient to assure that appropriate services necessary to maintain the maximum level of stabilization while assuring opportunities for normal life experience and growth are being provided.

- E) The system is designed to allow for participation by the recipient for as long as the individual need requires.

2) Mode definitions

- A) Event mode -- An administrative designation quantifying service activities which are delivered in short-time limited segments.

- B) Day mode -- An administrative designation quantifying service activities which are delivered during any

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substantial--and--regularly--scheduled--portion--of--a
specific--24-hour--time-period:

6) Residential--mode--An--administrative--designation
quantifying--service--activities--which--are--delivered
continuously over a 24-hour period in a specified
living environment:

3) Service-functions--definition

The service functions which follow are sets of related
activities designed to achieve specific objectives. Each
service function coordinates a cluster of activities through
which the service function goals are met. The service
functions are: prevention; intervention; treatment
habilitation; maintenance and case coordination; other direct
services separately designated are special programs; mental
fitness; and mandated follow-up.

4) Generic-functions--definition

Certain support activities must be present in all service
functions to ensure adequate and appropriate performance.
These are called generic functions. Depending on the needs of
the service network, these can exist as separate services or
as components of services. These functions are:
administration; training; transportation; utilization review
and program evaluation.

a) Mental health services

The following services, and others that may not be listed herein,
are eligible which may include but are not limited to those listed
herein, are eligible for State support in whole, or in part, by the
Department for the provision of community-based mental health
services for eligible clients.

- 1) Outpatient mental health services;
- 2) Screening, assessment and support services (SASS);
- 3) Community integrated living arrangements (CILA);
- 4) Day mental health services; or
- 5) Residential mental health services.

b) Prevention--(service--function)--Developmental disabilities
services

Prevention is an aggregate of purposeful methodologies designed to
reduce the incidence and ameliorate the severity of developmental
disabilities and mental illness and promote the well-being and
growth of the general population and strengthen those aspects of
the community environment which are supportive.

The following services, and others that may not be listed herein,
are eligible for State support in whole, or in part, by the
Department for the provision of community-based developmental
disabilities services for eligible clients.

- 1) Diagnosis and evaluation;
- 2) Client and family support;
- 3) Epilepsy services;
- 4) Developmental training;
- 5) Vocational development;
- 6) Early intervention;
- 7) Regular work;
- 8) Supported employment;
- 9) Community integrated living arrangements (CILA);
- 10) Case coordination;
- 11) Pre-admission screening;
- 12) Group day respite services; or
- 13) Limited use programs:

A) Dental services;

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- B) Leisure time services;
- C) Additional support for residential respite services;
- D) Demonstration projects;
- E) Program start-up;
- F) Administration; or
- G) Transportation.
- e) Intervention (service-function)
- 1) Prompt--and--accessible--screening--diagnostic--crisis
intervention--referral--and--other--appropriate--services--which
assist--recipients--to--cope--with--immediate--problems--in--living--
- 2) The--goal--is--to--reduce--distress--in--recipients--and/or--families
within--a--limited--time--span;--and--to--facilitate--emotional;--
social;--and--physical--stability.
- 3) Intervention--event--mode--developmental--disabilities--and
mental--illness
- A) Typical--settings
- i) Recipient's--residence--(e.g.,--home,--community
residence,--long-term-care-facility);
- ii) Emergency--telephone--hotline;
- iii) Community--mental--health--or--developmental
disability--agency;
- iv) Hospital--(emergency-room);
- v) Local-law-enforcement-agency;
- B) Typical--activities
- i) ---Twenty-four--hour--walk-in---outreach---and/or
telephone-services;
- ii) Admission-evaluation-and-referral;

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- iii) Formal--linkage--to--inpatient--programs--and--crisis
residential--centers;
- iv) Crisis--counseling--including--suicide--prevention;
- v) Emergency--psychiatric--evaluation--and--medication
administration--(for--mentally--ill--only);
- vi) Home--intervention;
- vii) Transportation--arrangements;
- viii) liaison--with--local--law--enforcement--and--general
hospitals;
- G) Admission--criteria--for--developmentally--disabled
- Any--person--who--appears--to--be--developmentally--disabled--
in--crisis--and--in--need--of--intervention--services--which
would--not--be--expected--to--extend--for--a--period--longer
than--72--hours.
- B) Admission--criteria--for--mentally--ill
- Any--person--suffering--from--an--acute--emotional--or--social
crisis--who--request--service--This--request--can--be
initiated--by--any--concerned--person--The--extent--of
service--provided--will--depend--upon--an--initial--evaluation
of--need--but--would--not--be--expected--to--extend--for--more
than--72--hours.
- 4) Intervention--residential--mode--mental--illness
- A) Typical--settings
- i) Group--home;
- ii) Other--supervised--living--facility;
- iii) Public--accommodation;
- iv) Licensed--care-facility;
- B) Typical--activities

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- i) Twenty-four-hour supervised-shelter-and-physical care;
- ii) Liaison-to-intervention/event-mode-and-inpatient psychiatric-service;
- iii) Crisis-stabilization-activities;
- iv) Collaboration-with-case-coordination-agency;
- v) Transportation;
- vi) Medication-evaluation;provision-and-supervision;
- vii) Referral-service;
- 6) Admission-criteria
 - i) Acutely-disturbed-mentally-ill-or-chronically mentally-ill-persons-who-require-a-supervised alternative-from-their-regular-living-situation and-who-without-this-service-would-probably-be hospitalized;
 - ii) Referrals-may-be-by-an-intervention-event-mode service-for-crisis-care-or-by-a-treatment-or maintenance-service-for-crisis-or-respite-care. An-episode-of-service-would-not-be-expected-to extend-longer-than-five-days.
- d) Treatment/habilitation-(service-function)

Methods-of-development,remediation-and-enhancement-that-attempt-to effect-an-improved-mental-and-physical-condition-and/or-related behaviors-of-individuals-The-goal-is-improved-social-adaptation and-integration

 - i) Treatment/habilitation- ---event- ---mode- ---developmental disabilities
 - A) Typical-settings
 - i) Recipient-residence;
 - ii) Community-agencies;

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- iii) Other-alternative-residential-settings;
- iv) Free-standing-recreation-program-center;
- B) Typical-activities
 - i) Recipient-assessment;diagnosis-evaluation-and individualized-services-plan-development;
 - ii) Supervision-and-assistance-with-activities-of daily-living;
 - iii) Individual;group-or-family-counseling-services;
 - iv) Training-of-parents--or--other--responsible collateral-in-treatment;management-techniques; behavioral-intervention--and--acquisition--of parenting-skills;
 - v) Consultation;referral-and/or-liaison-with-other treatment-services-and-resources;
 - vi) Recreation--program-----activities--in--self expression-social-interaction-and-leisure-time interests;skills-orientation;and-adaptation-
 - 6) Admission-criteria--Any-person-who-appears-to-be developmentally-disabled-and-in-need-of-services-
 - 2) Treatment/habilitation---event-mode-mentally-ill
 - A) Typical-settings
 - i) Recipient-residence
 - ii) Community-mental-health-centers;
 - iii) Other-alternative-residential-settings;
 - iv) Schools;
 - B) Typical-activities
 - i) Immediate-initial-assessment;

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- ii) Diagnostic--evaluations---and---individualized services plan development;
- iii) Medication---evaluation;---provision;---and supervision;
- iv) Individual; group or family counseling and/or treatment;
- v) Consultation; referral and/or liaison with other program services and resources (not to be confused with case coordination services);
- vi) Training; supervision and/or assistance with activities of daily living.

C) Admission criteria -- Seriously emotionally disturbed and/or mentally ill children, adolescents and young adults in their families; severely or chronically mentally ill adults and their families; mentally ill elderly and significant others; persons ordered to treatment by juvenile or adult courts who are in need of any or all of the typical activities provided by this program and wards of the State for whom no other appropriate resources are available;

B) Treatment/habilitation-----day-----mode-----developmental disabilities; mental illness; (vocational development)

A) Typical settings

ii) Sheltered workshop;

Agency notes: A sheltered workshop or workshop means a charitable organization or institution constituted not for profit but for the purpose of carrying out a recognized program of rehabilitation for handicapped workers, and/or providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature. (Fair Labor Standards Amendments of 1966, 29 U.S.C.A. 208 et seq., 1982).

ii) Community employment location;

B) Typical activities---sheltered workshop

All programs in this category must adhere to applicable state and federal labor requirements.

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- ii) Evaluation---psychological and aptitude testing; assessment of fine and gross motor skills; vocational interest testing and career opportunity counseling; and simulated work setting.
- iii) Work adjustment training---vocational and personal adjustment counseling; employment supervision; independent living skills; job application skills development; work skills; job placement and follow-up; and job coaching service (on the job site).

C) Typical activities---community employment

ii) Skill training;

iii) On the job training;

iv) Job placement;

v) Transitional employment program;

vi) Job coaching services;

vii) Follow-up and follow-along services;

B) Admission-----criteria-----sheltered-----workshop Developmentally disabled or chronically mentally ill adults who need work related skill development prior to or in preparation for competitive employment in the community.

E) Admission-----criteria-----community-----employment Developmentally disabled or chronically mentally ill adults in need of supervision; coaching or support during the transition from sheltered employment to competitive employment.

4) Treatment/habilitation-----day-----mode-----developmental disabilities; mental illness (psychosocial development)

A) Typical settings

ii) Community agency;

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- iii) Day-training-or-treatment-center;
 - iii) Child-care-center;
 - iv) Registered-non-public-special-education-facility;
 - v) Park-or-recreation-area;
 - vi) Other-recognized-education-facilities.
- B) Typical-activities---adult-day-training*
- i) Diagnostic-evaluation-and-individualized-services plan-development;
 - ii) Basic-self-help-and-daily-living-skills-training;
 - iii) Gross-motor-skill-development--(ambulation; physical-therapy; occupational-therapy);
 - iv) Communication-techniques-(speech-training; sign language; communication-boards; writing-name-and-address---basic-counting---form---and-color recognition);
 - v) Sex-education/awareness;
 - vi) Constructive-use-of-leisure-time;
 - vii) Summer-day-camp-(recreation-experiences-through physical-exercise);
- C) Typical-activities---adult-day-treatment*
- i) Diagnostic-evaluation-and-individualized-services plan-development;
 - ii) Individual-family-and/or-group-therapy;
 - iii) Development-of-skills-for-independent-living;
 - iv) Milieu-therapy;
 - v) Pre-vocational-activities;
 - vi) Structured-leisure-time-activities;

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- vii) Recreation-and-social-skills-enhancement;
 - viii) Crisis-management;
 - ix) Medication-----evaluation;-----provision-----and administration-(unless-provided-elsewhere);
- *These programs must function a minimum of five hours-a-day-five-days-per-week.
- B) Typical-activities---day-treatment-or-training-(3-to-21 years-of-age)
- i) Diagnostic-evaluation-and-individualized-services plan-development;
 - ii) Individual-group-or-family-counseling;-therapy or-training;
 - iii) Social-and-recreational-activities;
 - iv) Activities-outside-of-regular-school-hours;-days or-months-of-operation-designed-to-enhance-or maintain---cognitive---social---and---emotional development;
 - v) Liaison-with-local-education-agencies-and-other program-services;
- E) Typical-activities---day-training-for-children-(0-to-3 years-of-age)
- i) Case-finding-early-intervention-and-outreach;
 - ii) Diagnosis---assessment;-----evaluation-----and individualized-services-plan-development;
 - iii) Parent-education;-counseling-and-training;
 - iv) Physical-therapy;-occupational-therapy-and-speech therapy;
- F) Admission---criteria-----adult---day---training;- Developmentally---disabled---adults---who---are severely/profoundly ---retarded ---and/or ---multiply

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handicapped who need to develop and maintain basic skills:

- 6) Admission criteria--adult day treatment--Acutely or chronically mentally ill adults whose independent living and community coping skills need enhancement or reinforcement to allow them to continue to reside in a community setting
- H) Admission criteria--day treatment or training (3-21 years--of age)--Developmentally disabled--severely emotionally disturbed or mentally ill children who have been determined by the local education agency to be eligible for non-public special education placement or similar children who attend public school--special education programs and are determined to need after school or summer services to supplement the public school services
- I) Admission criteria--day training for children (0 to 3 years of age)--Developmentally disabled children with significant developmental delays
- 5) Treatment/Habitation---residential mode---developmental disabilities
- A) Typical setting---recipient's residence
- B) Typical activities
- i) Admission and evaluation
- ii) Development of individualized services plan;
- iii) Counseling (individual, group and/or family);
- iv) Enhancement and development of daily living skills;
- v) Community survival skills;
- vi) Socialization skills;
- vii) Recreation and leisure time skills;
- viii) Liaison and referral services

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- 6) Admission criteria---Any developmentally disabled person who is in need of developmental skills to enhance the recipient's functioning level
- 6) Treatment/Habitation---residential mode--mental illness
- A) Typical settings
- i) Group home;
- ii) Other supervised living facility;
- iii) Public accommodation;
- iv) Licensed care facility;
- B) Typical activities
- i) Individualized services plan review and update;
- ii) Twenty-four-hour supervised shelter and physical care;
- iii) Liaison to intervention and treatment/event mode and inpatient psychiatric services;
- iv) Individual, group or family counseling and/or treatment;
- v) Crisis stabilization;
- vi) Collaboration with case coordination agency;
- vii) Transportation;
- viii) Medication evaluation, provision and supervision;
- ix) Referral;
- 6) Admission criteria---Acutely disturbed mentally ill or chronically mentally ill persons who require an alternative supervised living situation and without this service would probably be hospitalized--Referral may be by an intervention treatment or maintenance service--Service to a recipient in this mode will

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depend substantially on the degree of disability and the response of the recipient to activities provided.

e) Maintenance (service function)

An aggregate of methods designed to sustain the current level of functioning and well-being and to obviate the need for a more restrictive environment for persons who have serious ongoing impairment.

1) Maintenance---event mode developmental disabilities

A) Typical settings---Recipient's residence (e.g., home, long term care)

B) Typical activities

i) Stabilization;

ii) Outreach;

iii) Support and guidance.

C) Admission criteria---Any developmentally disabled person who requires some ongoing support in the community.

2) Maintenance---event mode mentally ill

A) Typical settings

i) Recipient's residence (e.g., home, long term care);

ii) Community mental health centers;

iii) Drop-in centers.

B) Typical activities

i) Outreach;

ii) Drop-in home visits;

iii) Medication review, adjustment and supervision;

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iv) Supportive small group approaches;

v) Informal social and recreational activities.

C) Admission criteria---Seriously emotionally disturbed and/or mentally ill children, adolescents and young adults, severely or chronically mentally ill adults and all mentally ill elderly who are in need of any or all of the typical activities provided by this program. Admission is by recipient request or referral by an intervention or treatment/habilitation service agency.

3) Maintenance---day mode developmental disabilities, mental illness;

A) Typical settings

i) Work activities center

Agency notes: A work activities center shall mean a workshop or separate department of a workshop having an identifiable program, separate supervision and records, planned and designed exclusively to provide the public activities including custodial activities and any purposeful activities so long as work or production is not the main purpose (Fair Labor Standards Amendments of 1966).

ii) Sheltered employment location

B) Typical activities---work activity

i) Limited work experience;

ii) Community survival skills;

iii) Socialization skills;

iv) Independent living skills;

v) Recreational/leisure time skills;

vi) Counseling.

C) Typical activities---sheltered employment

i) Foster individual growth and potential for community related activity;

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- ii) Employment-supervision;
- iii) Periodic--follow-up--to--identify--individual functioning--which--may--lead--to--competitive employment;
- B) Admission--criteria--work-activity--Developmentally disabled--or--chronically--mentally--iii--adults--who function--at--a--moderate--to--severe--impairment--level--and who--are--in--need--of--development--of--skills--that--will enhance--their--capabilities--for--productivity--and independent--living;
- E) Admission--criteria-----sheltered-----employment--Developmentally disabled--or--chronically--mentally--iii--adults--in--need--of--long-term--employment--whose functional--level--requires--a--highly--supervised environment--but--does--not--preclude--future--movement--into competitive--employment;
- 4) Maintenance--residential--model--developmental--disabilities
 - A) Typical--settings
 - i) Recipient's--residence;
 - ii) Supported--living--arrangements;
 - iii) Licensed--care--facilities;
 - iv) Alternative--residential--setting;
 - B) Typical--activities
 - i) Admission--evaluation;
 - ii) Review--and--update--of--individualized--services plan;
 - iii) Stabilization--and--enhancement;
 - iv) Supported/supervised--shelter--and--physical--care;
 - v) Individual--group--and/or--family--counseling;
 - vi) Daily--living--skills--and--activities;

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- vi) Recreation/leisure--time;
- vii) Transportation;
- G) Admission--criteria-----Asy--developmentally--disabled person--who--requires--some--degree--of--ongoing--support within--a--residential--setting;
- 5) Maintenance--residential--model--mental--illness
 - A) Typical--settings
 - i) Group--home;
 - ii) Other--supervised--living--facility;
 - iii) Public--accommodation;
 - iv) Licensed--care--facility;
 - B) Typical--activities
 - i) Supervised--shelter--and--physical--care;
 - ii) Collaboration--with--case--coordination--agency;
 - iii) Stabilization--and--enhancement--of--functioning;
 - iv) Medication--review--adjustment--and--supervision (unless--provided--elsewhere);
 - v) Referral--services;
 - vi) Transportation;
 - C) Admission--criteria-----Chronically--mentally--iii--or acutely--mentally--iii--persons--who--require--some supervised--alternative--to--a--more--independent--or--regular living--situation--and--who--without--this--maintenance--and support--would--probably--be--hospitalized--Referral--may--be by--an--intervention--treatment--or--maintenance--service;
 - F) Case--coordination--(service--function)
 - i) Case--coordination--is--a--mechanism--for--assuring--and coordinating--services--to--meet--the--needs--of--those--recipients

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who require this service, it provides the necessary advocacy function to facilitate the linkage of a recipient who has identified service needs to the available resources. The case coordinator principally focuses on the service delivery system from the vantage point of the individual recipient in need of the service, and engages in resource identification and linkage.

- 2) Case coordination attends to the practical level of synchronizing the efforts of multiple service providers and other supportive resources which enable the recipient to live successfully in a community setting. However, the case coordination function does not displace the responsibility of other service providers to work directly with the recipient or with the family, community supportive resources or other service organizations as provided for in the individualized services plan. Rather, the case coordinating function complements and integrates the usual services for those recipients whose need is so substantial as to require an extraordinary level of service attention. Case coordinators rely, in large part, upon:

- A) Working knowledge of the nature and consequences of the recipient's disability;
- B) Functional knowledge of the service delivery system; recipient eligibility requirements and procedures;
- C) A working understanding of potential recipient resources, particularly those available through federal, state and local governmental agencies;
- D) The ability to work cooperatively with the many individuals and organizations which can provide services and assistance to the recipient.
- 3) Typical settings
- Case coordination may be provided through various organizational entities:
- A) By the Department of Mental Health and Developmental Disabilities;
- B) Through an entity which also provides direct recipient individualized services or other indirect services; or

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- E) Through a free-standing entity whose sole function is the provision of case coordination services.

4) Typical activities

Activities a case coordinator engages in may include:

- A) Assessment of service need. Participates with direct service staff in assessing an individual's needs and readiness to move into alternate services or settings, utilizing clinical evaluation of intellectual, emotional and functioning levels. Where appropriate, standardized assessment instruments, such as the Illinois Gifted Information System (IGIS), for developmentally disabled recipients, will be used in conjunction with the professional evaluation of need.
- B) Development of recipient individualized services plan. Participates with responsible program staff in developing a plan for the most effective and appropriate continuum of generic and specialized services.
- C) Arrangement for service delivery. Assists recipient in identifying appropriate providers of care, screening and assistance in the eligibility process for Department or Department-supported programs as well as other public or private programs, and facilitating the linkage of recipients to service provider(s), and case coordination in a new location, if appropriate.
- D) Coordination and advocacy with service providers. Is responsible for enabling continuity, accessibility and the most effective delivery of services as prescribed in the individualized services plan, including the facilitation of coordination activities among multiple providers.
- E) Follow-up. Conducts scheduled activities to monitor and evaluate the recipient's progress toward established service goals and the need for continuing services. While follow-up activities focus on recipients status, they also may provide commentary on service irregularities or deficiencies and provide recommendations on the status and quality of care provided by the service delivery system.

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- g) Special programs--mental illness (service-function)
- 2) Section 16-2 of AN-AGF codifying the powers and duties of the Department--of--Mental--Health--and--Developmental Disabilities--(iii--Rev-Stat-1985--ch-911--par-100-16-2) which provide for the community support system demonstration project for the chronically mentally ill states that "a pilot project to demonstrate the effectiveness of a comprehensive continuum of community residential alternatives for mentally ill with emphasis on case and treatment of redemptive and long-term institutionalized mentally ill."
- 2) The goal of the community support system demonstration project is to develop a system of community-based supportive and residential services for the housing, treatment, training and rehabilitation of the chronically mentally ill who may otherwise be hospitalized or unable to move to alternative less restrictive settings.
- 3) Program components must include a variety of supportive services which will foster the ability of the recipient to function in the least restrictive environment. These multifaceted services must be delivered in conjunction with the identified case coordination agency.
- A) Typical activities
- i) Supervision of living environment;
 - ii) Daily living skills training;
 - iii) Social, recreational and leisure time activity/training;
 - iv) Financial management training;
 - v) Vocational skills training;
 - vi) Medication, evaluation and supervision;
 - vii) Liaison services with other service and support service providers;
 - viii) Individual, group and/or family counseling;
 - ix) Referral.

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- B) Admission criteria--Chronically mentally ill adults whose severe and persistent mental disorders interfere with their functional capacities in relation to such primary aspects of daily life as self-care, interpersonal relationships, and work or schooling. These chronic disorders have often necessitated prolonged and/or repeated psychiatric hospital care.
- h) Mandated follow-up monitoring services (service-function)
- i) Mandated follow-up monitoring services are a legal responsibility of the Department for all recipients placed from Department facilities into long term care facilities, skilled nursing care facilities, intermediate care facilities and sheltered care facilities (AN-AGF codifying the powers and duties of the Department of Mental Health and Developmental Disabilities, iii-Rev-Stat-1985--ch-911--par-100-15).
- 2) The provision of these services may be delegated to a community agency by contract between the Department and the service agency. This contract states that the named agency is an agent of the Department and Part 125--Recipient Discharge/Linkage/Aftercare (59-iii-Adm-Code-125) regarding mandated follow-up monitoring services must be adhered to.
- i) Administration (generic-function)
- A management framework through which service functions can be supported and performed--administrative services include such activities as planning, personnel management, translation of policy to daily operation and resource management.
- j) Training (generic-function)
- A structure or mechanism through which staff responsible for service delivery are provided appropriate ongoing education designed to enhance performance of the service delivery function.
- k) Transportation (generic-function)
- A service which may be provided to facilitate participation in programs required by the recipient--individualized services plan when usual forms of private or public transportation are not available or are inappropriate.

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- 1) Utilization review (generic function)
- Ongoing review of services delivered, their intensity and their duration, to determine adherence to generally accepted guidelines or standards regarding recipient assessment, eligibility for service and appropriateness of services rendered.
- m) Program evaluation (generic function)
- Measurements and methods designed to determine the effectiveness and efficiency of services; it is typified by ongoing assessment and regular review promoting meaningful modification in service programming as indicated.
- n) Special purpose grants
- i) Notwithstanding the provisions of this Part, the Director of the Department may make grants to universities, clinics, service provider agencies for specialized service provision, demonstration projects or consultation in the mental health field, and where warranted, for the provision of equipment and program start-up costs not normally funded by the Department.
- 2) Such grants must be subject to the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985, ch. 127, pars. 2301 et seq.) and require the provision by the receiving agency or organization of a statement of need on forms prescribed by the Department. No such grant may be approved unless it is expressly authorized by the Department and is certified as consistent with the needs of the Department and the laws of the State of Illinois.
- 3) All requests for grant fund exceptions pursuant to this subsection must be submitted to the appropriate region administrator or associate director for mentally ill or developmental disabilities, for Central Office administered grants, for Central Office administered grants, for review and submission to the Deputy Director for Regional Operations. Upon review, the request, with the recommendations, will be forwarded to the Director's office for decision. Requests for exceptions will be responded to by the Office of the Director within 30 days of the receipt of the request for an exception.

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- 4) Requests for exceptions may include but are not limited to the following:
- A) The service category for which funds are requested is not currently provided for in 59 Ill. Adm. Code, 103-69. (This would provide for one time grants and for start-up grants for new services.)
- B) The expenditure category is specifically excluded from funding in 59 Ill. Adm. Code, 103-110 and the request meets the following criteria:
- i) Provides funds for items normally funded by local funds, e.g., equipment for which no local dollars are available, and such a purchase is in the best interest of the Department of Mental Health and Developmental Disabilities (DMHDD).
- ii) Provides funds for start-up costs not normally funded by DMHDD but for which no local funds are available.
- iii) The expenditure will provide direct benefit to a number of community grant agencies, such as a consultant to assist agencies in meeting other funding requirements for which DMHDD will be an indirect recipient of the benefits so derived.
- iv) All exceptions granted under this provision of Part 183 must be in accordance with Ill. Rev. Stat. 1985, ch. 91, pars. 106-94, 106-94.1 and 901 et seq.
- (Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)
- SUBPART A - SYSTEM-BES6EN
- Section 103.70 Special organizational structures
- a) Comprehensive community mental health centers
- 1) As a part of the Public Health Services Act, Title XIX, Part B (42 U.S.C.A. 300x et seq. (1992)) 1985-Supp. the alcohol drug abuse and mental health service (CMS) Block Grant provides funding for services provided to the mentally ill

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persons with mental illness by comprehensive community mental health centers. A Departmental goal, as the lead agency for the alcohol-drug abuse and mental health services block grant, is to maintain, strengthen and further develop the continuum of community-based services to the mentally ill.

Comprehensive community mental health centers receiving ABMS CMHS funds must shall provide specialized outpatient services, 24-hour a day emergency care, day treatment or other partial hospitalization, screening to determine the appropriateness of admissions to state mental health facilities and consultation and education services. Before agencies are funded through the ABMS block grant, the region and central office will determine that these requirements are met. Agencies receiving block grant funds will also be required to provide services to individuals residing in a defined geographic area, with special attention to the chronically ill persons with severe and persistent mental illness, regardless of ability to pay, current or past health condition, or any other factor. These services must be available and accessible promptly and in a manner which preserves human dignity and assures continuity and high quality care.

Those community agencies which have utilized federal funds for purchase, renovation, or construction of facilities within which mental health services will be provided are legally responsible for the provision of a specified range of mental health services for at least 20 years, by virtue of written assurances given to the federal government.

Eligibility for continuing Department participation in funding requires that a comprehensive center must meet the requirements established by federal law (Public Law 98-589, Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984, 42 U.S.C.A. 3601 et seq., 1985 Supp.).

ABMS CMHS block grant funds may not be used to provide inpatient services; purchase or improve land, purchase, construct or permanently improve (other than minor remodeling) any building or other facility, or purchase for medical equipment; satisfy any requirements for the expenditures of non-federal funds as a condition for the receipt of federal funds; provide financial assistance to any entity other than a public or nonprofit private entity; or make cash payments to intended recipients/individuals.

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6)-----Funding of these centers will be consistent with the service priorities of the Department.

b) Community mental health (708) boards

1) As required by the Community Mental Health Act (Till. Rev. Stat. 1965-1991 ch. 91, para. 300.1 et seq.) (405 ILCS 201, Community mental health boards (708) must all develop and submit a comprehensive plan for mental health and developmental disabilities programs in their geographic area by October 1 of each year. For the ensuing 12-month and 3 5-year periods such plans shall be submitted annually for the ensuing 12 months to the regional administrator or designee-Department.

2) When there is more than one 708 board within the planning area/geographic service area, the Department encourages the development of a single plan and a single delivery system for the entire planning area/geographic service area. It is desirable that contiguous 708 boards in planning area enter into mutual discussions as to the possibility to facilitate development of the most effective array of services for the respective areas, with minimal amounts of unnecessary duplication.

3) The Department will not make grant awards without consideration of the review and comments submitted by the 708 Board Pursuant to Section 3(h) of the Community Mental Health Act, the Department will not make grant awards without consideration to the review and comments submitted by the 708 boards. (Till. Rev. Stat. 1965, Ch. 91, par. 300e(h)).

4) Programs operated by a 708 board are eligible for grant funding for no more than two fiscal years and must fully meet the requirements of this Part. When programs are directly operated by 708 boards, related administrative costs must be properly allocated to each program in the agency plan.

5) The Department will not participate in the costs of a 708 board which are attributable to the administration of local funds, duties and responsibilities. However, the Department may participate in the administrative cost of a 708 board which are directly attributable to the cost of administering Departmental duties and responsibilities. These costs are limited to those duties and responsibilities mutually negotiated and transferred from the Department to a community

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mental-health-700-board-or-to-a-similar-type-of-mental-health authority.

- 6) Executive directors Authorized agency representatives and staff of agencies funded by both 708 boards and the Department funds may not serve concurrently as a member or as staff of the 708 board. Individual exceptions to this provision must be justified in writing and require the written approval of the Director regional administrator. Reasons for exceptions may include but are not necessarily limited to rural areas with limited numbers of mental health professionals expertise.

c) Public health departments

- 1) County, multiple county, and municipal public health departments established by either referendum or resolution have the option to provide mental health and developmental disabilities services (see the Department of Public Health's Program Standards for Local Health Departments in Illinois, rules at 77 Ill. Adm. Code 615 (Local Health Departments Program Standards Code)). Those public health departments which opt to provide these services are eligible agencies for grant funds, whether they provide services directly or by contract with existing providers of services (either within or outside the planning/geographic service area). All services provided directly or by contract must be included in the planning and coordination activities of the total network of services for a planning area.

- 2) Administrative costs of non-Department funded programs within a public health department are not eligible for funding by the Department. Administrative costs of Department funded programs must be properly allocated to each program in the agency plan.

- 3) A mental health and developmental disabilities services advisory committee must be appointed by the health department board. This committee shall serve as a board for mental health programs. No more than one member of the board of health shall serve on the mental health and developmental disabilities services advisory committee. This committee must meet all board requirements as specified in Section 103-40.

- 4) Department-funded local health departments must have in compliance with the Illinois Department of Public Health

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Program Standards for Local Health Departments in Illinois-77 Ill. Adm. Code 615.

d) Umbrella agencies

A plan for providing community input to the operation of units of the umbrella agency shall be developed for use by the umbrella agency. This plan shall be available for review by Department staff.

- 1) Umbrella agencies are generally those organizations which have overall legal, administrative, planning, and funding responsibility for more than one unit, in more than one planning area. Generally, each unit of an umbrella agency has its own unit director and operates programs similar to those of free-standing facilities.

- 2) A plan for providing community input to the operation of units of the umbrella agency must be developed. Such a plan must be reviewed by the regional administrator or designee prior to implementation. One approach for achieving local community input is through the development of program advisory community boards for each unit.

- 3) The regional administrator or designee will consult with each separate unit as well as with the umbrella agency on the development of the grant application in relation to the needs and program resources of the service area in which it is located.

- 4) Allowable costs of the central administrative office are eligible for grant funding through the submission of a Generic Function Program (Administration).

- 5) An agency which wishes to assume the operation of community programs currently operated by an umbrella agency and which can demonstrate its capability of doing so at a level equal or superior to the current level of service can apply for direct funding to operate the program. A plan must be developed with the knowledge of the umbrella agency and sent to the regional administrator at least six months prior to the submission of the formal grant application in order to assure adequate time for review, planning and a smooth transition if the grant is approved.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993.)

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Section 103.80 Monitoring and evaluation

The agency shall agree to participate in a monitoring and evaluation system as described in the grant agreement.

a) System performance Evaluation methodologies

Agencies shall develop evaluation methodologies that address the issues of the effective and efficient use of program resources; for example, quality assurance, utilization review, and professional services review organization. The agency shall also provide documentation of the implementation of these evaluation methodologies and demonstrate how the information gained through evaluation efforts is used in the planning process. The Department shall review and provide consultation in this evaluation effort.

1) The assessment of the accomplishments of the community delivery system is a joint responsibility of the Department and the community. It is an essential planning tool for those responsible to develop and administer community service systems. Certain objective statistical measures have been used by the Department to evaluate system performance. Although these statistics do not necessarily relate to specific service providers participating in the network and their usefulness varies from problem area to problem area, they do reflect significant characteristics of the total service system. The Department will utilize the following indicators among others, in assessing community delivery systems:

- A) First admissions to Department facilities as a measure of the availability and effectiveness of community services, which provide alternatives to state hospitalization
- B) Readmissions to Department facilities as a measure of the success of rehabilitation efforts and of community programs
- C) Readmissions within 90 days as a measure of the quality of planning, coordination, and follow-through between state-operated and state-aided providers in the discharge/placement process

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B) The total number of persons from the planning area currently residing in Department facilities as a measure of the availability of community resources to receive and support such persons.

E) Time required for linkage as a measure of the quality of planning and follow-through by the responsible community provider in delivering services.

F) Region offices will provide to local agencies and duty constituted mental health authorities available information on the use of inpatient psychiatric facilities in local community hospitals which have Department purchase care contracts.

G) Other objective measures of effectiveness will be developed jointly by Department and community staff.

2) The statistics mentioned above are available to local agencies and duty constituted mental health authorities. Information on the statistics discussed in paragraphs (A) through (G) is available on the institutionalization by Client Planning Area Problem Area and Age Group report and the readmission series report. This report is available September 15th for the prior fiscal year and February 15th for the first six months of the current fiscal year. The information discussed in paragraphs (E) and (F) for your local area is available through your Department regional representative.

b) Monitoring service delivery Monitoring

Monitoring is the review of the agency's compliance with contractual obligations, applicable administrative rules and legislation and insuring that Departmental funds are spent appropriately for services as specified in the grant agreement. Monitoring may include desk review and site review of agency performance.

1) Monitoring is concerned with the collection and assessment of management information in order to ascertain whether an agency is performing in accordance with its agreement in light of the program guidelines. The focuses of monitoring are the agency and the agency's programs. The Department monitors each program in terms of its performance versus the projections in the Agency Plan. Agency performance will be

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reported through the extrenuaries reporting system of the Department. Service reporting forms DHDP-1000 and 1077 are of crucial importance in documenting program service delivery and must be done accurately and submitted in a timely fashion. The Department will provide monthly and quarterly reports to the region offices and agencies for monitoring purposes.

- 2) Agencies will make available to representatives of the Department all financial records (including drug expenditures as recorded on the agency's drug issues record), recipient attendance and/or service records, and case records. In making case records available, the agency, in consultation with regional staff, will ensure the confidentiality of each individual recipient.

c) Evaluation Performance Indicators

While the Department will play a significant role in both system evaluation and agency/program evaluation, primary responsibility for program evaluation rests with the local agency. It requires that a treatment philosophy be developed for each program with written program objectives which are consistent with that philosophy and which interface with Department program evaluation instruments and methodologies. Agencies must develop evaluation methodologies that address the issue of the effective and efficient use of program resources (quality assurance, utilization review, professional services review organization (PSRO)). The agency must also provide documentation of the implementation of these evaluation methodologies and demonstrate how the information gained through the evaluation efforts is used in the planning process. The Department will review and provide consultation in this evaluation effort.

Performance indicators shall be established for each agency as a part of the annual grant negotiation process. Performance indicator data shall be routinely distributed to the agency as part of the monitoring process. Previous data on performance indicators shall be included in this distribution to allow for analysis of change in functioning over time.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993.)

SUBPART B: OPERATIONAL PROCEDURES

Section 103.90 General provisions--Fiscal requirements

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- a) Agencies should maximize non-Departmental funding for Department-funded programs. Sources include recipient fees, local tax revenues, voluntary funds, United Way funds, reimbursements by third parties, funds available from other state agencies or federal sources, revenue sharing funds, development or expansion of other support and support from local public health departments.

Agencies shall not be limited or restrained in the pursuit of other contracts or funding.

- b) Agencies and Department staff are to negotiate shall formalize projected levels of expense and Department grant support for each Department-funded program which is to be formalized through an approved Agency Plan. Department grant funds in excess of actual allowable reimbursable expenses by program for the award period cannot be claimed. Any Department grant received by the agency in excess of actual allowable reimbursable expenses, by program, is subject to recapture under the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985-1991, Ch. 127, pars. 2301 et seq.) [30 ILCS 705]. A number of factors enter into the grant negotiation process, including, but not limited to:

- 1) A review of program expenses for the budget year as well as the past year;
- 2) Whether the agency provided the level of services budgeted for in prior years;
- 3) Number of clients to be served;
- 4) Type of client to be served (disability, severity, etc.);
- 5) Cost per unit of service;
- 6) Other funding sources (other state agencies, local government units, third-party payors, client fees, etc.);
- 7) Services proposed to be funded versus those outlined in the Department's Annual Plan;
- 8) Current financial status of the agency;
- 9) Ability of the agency to meet its own established goals;
- 10) Impact of any audit findings on the agency's operation;

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§§§ Cost-of-living-variances:-

c) An agency is encouraged to submit a balanced budget. The Department will accept an agency plan indicating expected deficits with appropriate explanations. An agency with a sufficient fund balance and sufficient working capital in its operating fund can reasonably expect to cover such deficits in the short run by using reserve funds (i.e., reducing its fund balance). The Department will not approve an agency plan indicating deficits for programs and/or for the agency as a whole without a written explanation of the agency's governing body-approved plan.

e)d) All agencies with Medicaid-eligible-certified programs or components of programs (i.e., physician-services) must submit Medicaid billings in compliance with Part-340-of-the Department of Public Aid's rules at §89 Ill. Adm. Code 140 (Medical Payment), Part-1067 Services-Charges-of-the Department's of--Mental-Health--and-Developmental-Disabilities--rules at §59 Ill. Adm. Code 106 (Services Charges), Sections 5-105--5-117-of-the-Mental-Health-and-Developmental-Disabilities-Code-(111-Rev-Stat-1985-chr-911 par-5-105--5-117)-and Title 42, Chapter 4, Subchapter C, Medical Assistance Programs (42 CFR 430 - through 489, §992(1992)).

d) Hospital-based-clinics shall submit-a-statement-of-their-approved outpatient-clinic-rates-used-for-third-parties--such-as-Medicaid-Bible-Gross--and-other-insurance-carriers:-

e) Fees for services may be established as cost based, as usual and customary fees for service, or as competitive fees based on the local marketplace fees for service.

e) Funds-received-by-a-program-for-provision-of-specific-services through-any-fee-for-services-resource-for-individual-recipients must-be-utilized-in-the-program-in-the-current-or-immediately subsequent-years-for-that-program-to-qualify-for-a-Department grant--Such-funds-which-are-to-be-used-in-the-subsequent-year-are-to-be-indicated-in-all-subsequent-revenue/expense-reports-to-the-Department-for-the-year-in-which-they-are-received-and-in-the-Agency-Plan-for-the-subsequent-year

f) An agency which assesses fees to individuals for services shall maintain a written policy for billing and collection of fees. A system for billing individuals, with appropriate financial assistance based on the ability of the individual or the individual's responsible relative to pay, is required. The system shall also provide a record of charges and a method of collecting

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third party payments. With regard to sheltered workshops, fees can be applied only to the service aspects of the programs.

Agencies-must-maintain-a-schedule-of-costs-for-each-service-As-the-agency-assesses-recipient-fees-a-cost-based-fee-schedule-must-be-used-The-maximum-fee-billed-for-a-service-may-not-exceed-the-cost-of-providing-the-service

g) No agency shall require an individual or family member to make cash or in-kind contributions, or to provide unpaid services to the agency, beyond the fee schedule specified in subsections (e) and (f) of this Section. No agency shall suggest, imply, or give reason to believe that access to initial or continued services is contingent on, or in anyway related to, voluntary contributions by an individual or family member.

Each-agency-which-bills-recipients-for-services-must-maintain-a-written-policy-which-establishes-the-agency-practices-for-billing-and-collection-of-fees--A-system-for-billing-recipients-at-established-costs-with-appropriate-discounts-based-on-the-ability-of-the-recipient-or-the-recipient's-responsible-relative-to-pay-is-required-The-system-must-also-provide-a-record-of-charges-and-a-method-of-collecting-third-party-payments-With-regard-to-sheltered-workshops-fees-can-be-applied-only-to-the-service-aspects-of-the-program

h) Provision of service in Department-funded programs shall not be denied on the basis of the individual's inability or ability to pay.

Service-provision-shall-not-be-denied-on-the-basis-of-the-recipient's-inability-or-ability-to-pay

i) An agency is permitted to establish and maintain reserve funds. However, the establishment of or addition to a reserve fund is not permitted from grant funds.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.95 Grant negotiation process

A number of factors enter into the grant negotiation process, including but not limited to:

a) A review of program expenses for the budget year and the past year;

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- b) Whether the agency provided the level of services budgeted for in prior years;
- c) Number of individuals to be served;
- d) Characteristics of individuals to be served (such as, disability or severity);
- e) Cost per unit of service;
- f) Other funding sources (such as, other State agencies, local governmental units, third party payors or individual fees);
- g) Services proposed to be funded versus those outlined in the Department's annual plan;
- h) The agency's current financial status;
- i) The agency's ability to meet its own established goals;
- j) Impact of recent Department audit findings or independent audit report conditions on the agency's operation;
- k) Maintenance of effort needs; and
- l) Performance indicators.

(Source: Added at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.100 General provisions-- Accounting requirements

- a) Each agency is to shall establish and maintain an format-modified accrual-accounting system in accordance with generally accepted accounting principles (GAAP), to include a level-of-documentation classification of entries, and audit trails, to meet reporting requirements as prescribed by the Department in this part.
- b) All accounting entries must transactions shall be properly classified, adequately documented and supported by appropriate source documents recorded in appropriate books of original entry (journals), and posted to general ledgers on a monthly basis.
- c) For programs funded by the Department, expenses are to shall be recorded by specific program. Expenses for All other expenses programs may be booked in total. Expenses that cannot appropriately be charged to one or more specific programs may shall be allocated

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- on some-reasonable basis (e.g., administrative expenses--on accumulated costs--or number of staff, housekeeping or hours of service or square feet of area occupied, etc.) to the various benefiting programs. Both Department-funded programs and programs funded from other sources. It will be the agency's responsibility to document its program expense allocation methodology and rationale.
- d) The Department recognizes the need for agencies to establish separate, special funds, e.g., capital expenditures and equipment purchases. Information about such funds must be made available to the Department. Each agency shall establish and maintain a separate capital fund to account for its fixed assets and related accounts. The following accounts are typically included in this fund:
- 1) Land, buildings and equipment (usually separate accounts for each);
 - 2) Cash reserved for replacement of fixed assets;
 - 3) Accumulated depreciation on buildings and equipment (usually two separate accounts);
 - 4) Payables related to land, buildings and/or equipment;
 - 5) Depreciation expense;
 - 6) Revenues earned by capital fund assets (e.g., interest) and/or externally restricted to the capital fund (e.g., donor-restricted grants or contributions);
 - 7) Fund balance; and
 - 8) Other related accounts as appropriate.
- e) Department/region staff will be available for consultation and assistance upon request of the agency.
- f) All fiscal records must shall be maintained for at least five years after the end of each budget period; the fiscal year to which they relate, and if need for them still remains, such as because of unresolved audit issues or for similar reasons, arising from an audit-related request must be retained until the matters are completely resolved. Agencies are encouraged to discuss record retention with their independent auditors prior to disposal of documents.

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8) f) All depreciation for purposes of filing a preparing Department budgets and reportings expenses shall be computed on the straight line method basis. The agency shall clearly identify in its depreciation schedule any capital assets acquired with Department grant funds.

h) E) All funds that are received by an agency that are not restricted by the donor must be recorded in the operating fund. Transfers of unrestricted funds will be shown as transfers from the fund balance. All agency revenues not earned by capital fund assets or not restricted for capital purpose by the donors or grantees shall be recorded in the appropriate fund using generally accepted accounting principles. All governing body approved transfers of unrestricted funds shall be shown as fund balance transfers and recorded using generally accepted accounting principles.

b) The Department may establish additional accounting requirements for specific grants or programs. Agencies receiving such grants or receiving funds for such programs shall comply with those special requirements. Examples of such programs are the community living arrangements (CLA) revolving fund, the emergency psychiatric services (EPS) program, the home-based support services program and the family assistance program, and various Medicaid programs (i.e., Department grant funds used as match for obtaining federal funds).

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.110 General provisions-- Allowable/non-allowable expenses

a) Expenses Reimbursable expenses from Department grant funds

All allowable reimbursable expenses that can be identified to a specific funded program(s) should be charged to that program(s) on a direct basis. Allowable reimbursable expenses not directly identified to a Department-funded program(s) must be allocated to all programs, both funded and unfunded, to be eligible for reimbursement from grant funds.

1) In general, expenses meeting all of the following criteria are reimbursable from Department grant funds if the expenses are:

A) Necessary and related to the provision of program services.

B) Reasonable to the extent that a given cost is consistent with that amount paid by similar agencies for similar services;

C) Not specified in subsection (b) of this Section, as not reimbursable; and

D) Not illegal.

2) To be eligible for reimbursement, all expenses that can be identified to a specific Department-funded program(s) shall be charged directly to that program(s). Expenses not directly identifiable to a Department-funded program(s) shall be allocated to all benefiting programs, both Department-funded and other programs, in accordance with Section 103.100(C).

b) Non-reimbursable--expenses from grant funds--Expenses not reimbursable from Department grant funds (those typically not directly associated with program services)

To ensure that all agency and Department personnel involved with the development of grant budgets have a mutual understanding of agency expenditures that are not reimbursable from Department awarded grant funds, a segregation of kinds of costs into categorical groupings has been made to highlight the costs that must be borne by funds other than Department grant funds. The limitations established herein are not to be construed as applying to non-Department funding sources of an agency.

1) Research--Research expenses are not allowable expenses from grant-in-aid funds

2) Insurance benefits--The Department will allow the cost of accident and death insurance, life and disability insurance and retirement plans as they apply to all eligible full-time employees of an agency. The Department will also allow such cost identified above for eligible part-time employees at a percentage rate equal to the average hours worked by the part-time employee per week divided by the number of normal work hours in the week--for example, if the average employee works 40 hours per week, a part-time employee who works 20 hours per week would be equal to 50 percent of the normal full-time equivalent position. The Department would allow 50 percent of the full-time equivalent insurance benefits for that position.

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- 3) Compensation for non-working agency officers -- Disbursement of funds or other assets to an agency officer who has not performed in a work capacity are not allowable expenses. (This does not preclude transportation and other travel expenses related to attending agency board meetings and other agency agenda business from being reimbursed.)
- 4) Entertainment -- The expense of non-recipient entertainment is not reimbursable from grant funds.
- 5) Dues and costs of attending professional meetings -- All forms of individual or agency association dues or costs of attending professional meetings are not reimbursable expenses from grant funds. Examples of professional meetings are annual meetings on business matters, association meetings and conventions. Attendance by staff as part of in-service training at workshops and seminars including meetings during which workshops are part of the agenda is reimbursable.
- 6) Transportation -- Transportation expenses to be reimbursable from grant funds must be either directly related to the provision of services for the recipient or integral to the operation of the program, provided they are not reimbursed from some other source. The expense of agency-owned automotive equipment by staff for personal business or non-work related transportation is not reimbursable from grant funds.
- 7) Fund raising and promotional expense -- Fund raising and/or promotional activities are not allowable expenses from grant funds.
- 8) Bad debts -- Bad debts are a deduction from the applicable income account rather than a reimbursable expense item from grant funds. Using this accounting procedure neither the income nor expense of the agency is overstated and duplicate funding of expenses is eliminated.
- 9) Charity, grants and professional discounts -- Charity, grants and professional discounts are not reimbursable expense items from grant funds. Charity is defined as the donation of cash or in-kind services to other organizations and persons external to the program activities approved by the Department. Grants are defined as awards to organizations, programs and/or persons external to the program activities of the agency. Awards to persons are to be differentiated

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- from educational support of employees which is an allowable cost as in-service training expenses. Professional discounts are defined as reductions in fee assessments to individuals/families because of professional status (e.g. doctor, educator).
- 10) Non-recipient meals -- Non-recipient meals are not reimbursable expenses from grant funds. Non-recipient meals are defined as meals consumed by parents, guests and staff when staff attendance with the recipient is not programmatically mandatory.
- 11) Interest income -- Interest income from investments made from excess operating funds must be offset against allowable interest expense reimbursable from grant funds.
- 12) Interest expense -- Interest expense paid on borrowed funds which are required to provide program services to recipients, or reasonably related to recipient services, is a reimbursable expense from grant funds. The following items of interest expense are not reimbursable by grant funds:
- A) Funds borrowed for investment purposes.
 - B) Funds borrowed to create working capital in excess of two months' operating costs.
 - C) Funds borrowed for the personal benefit of employees, officers, boards of directors, members, or owner of the agency.
 - D) Funds borrowed without a prior time limited written agreement with the Department for the purchase of land, buildings, and/or equipment for future expansion, until such items are actively used in program activity.
 - E) Interest in excess of the prime interest by the agency to persons or organizations who are related to the provider through control, ownership, or family relations.
- 13) Intra-agency fund loan interest charges -- Interest charges made for intra-agency loans between funds are not a reimbursable expense from grant funds. An agency is defined as an organizational entity with a single Federal Employer's Identification Number.

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14) Rentals

A) Rental income -- Any rental income received by the agency must be used to reduce the reimbursable expense by grant funds for the item rented provided the expense item is allowable.

B) Rental costs of buildings and equipment -- Rental costs for buildings and equipment which are reasonable in relation to the local market for these items and which are necessary to provide program services to recipients or reasonably related to recipient care are reimbursable expenses.

15) Loans and lease agreements

A) Payment of loan principal -- The repayment of the principal amount of any loan is not a reimbursable expense from grant funds. (Example: If an agency borrowed \$10,000.00 for operating expenses, the repayment of the \$10,000.00 principal amount is not a reimbursable expense, but the expenses paid with the principal may be reimbursable.)

B) Lease agreements -- Lease agreements for items of equipment as well as buildings are reimbursable from grant funds on an allocation basis to the funded and unfunded programs. Also, if the agreement covers the servicing of the items and/or supplies used in its operation whether as a separate amount(s) or a combined amount, these expenses are reimbursable on the same basis from grant funds.

16) Inventories -- The development of commodity inventories by an agency is not reimbursable from grant funds. Inventories are assets rather than expenses of the fiscal year's operations. The Department's grant program is to fund as established by the budget and most recently approved Agency plan, only current expenses of operations and not the development of current or fixed assets. Usage from inventories is an expense and is reimbursable from grant funds.

17) Sales of goods or services -- In general, any expense incurred by the agency for the sale of goods or services is not reimbursable from grant funds. For funded sheltered workshops or work activity programs, the expense of recipient wages and

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material acquisition is not reimbursable from grant funds when the product produced by the recipient is salable.

18) In-kind contributions -- The Department recognizes in-kind contributions both as a source of income and as an expense of operations. Thus, the expense is paid by the source of income directly and the donation expense is not reimbursable from grant funds.

19) Data processing services -- The purchasing of data processing services that duplicates those available through the Department's office of information services is not reimbursable from grant funds.

20) Duplicate funding -- When another source of funding is made available to the agency for specific items of expense or programs, the Department grant funds are not to be used as a duplicate funding source.

21) Unfunded programs -- Reimbursement of any expense for a program which has not been formally awarded a grant is not allowable.

22) Reserve funds -- An agency is permitted to establish and maintain reserve funds. However, the establishment of, or addition to, a reserve fund is not permitted from grant funds. The exception to this exclusion would be the funding of depreciation with grant funds which would permit the agency to add to the amount of depreciation funded to a Department Reserve for Depreciation Account.

c) Capital acquisitions and improvements

1) Capital expenditures for such items as buildings, leasehold improvements, and equipment may be reimbursable from grant funds.

2) A written request and/or proposal itemizing the planned purchase(s) and purpose(s) must be submitted to the region. Written approval must be obtained from the region prior to the acquisition of these items.

4) Department approval will be formalized through the issuance of a grant agreement specifying conditions and stipulations for the use of grant funds in this manner.

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- 5) The granting of funds for capital purchases is dependent on several factors:
 - A) The agency does not receive any funds from local sources which might be used for such expenses;
 - B) The requesting agency is just beginning operation and has no working capital to initiate a long-term capital loan;
 - C) The agency must agree that if the State pays for such capital items such items must continue to be used for the original purpose of the grant; any change in usage during the items' estimated useful life must have Departmental approval;
- 1) Research expenses (this does not include program evaluation expenses);
- 2) Compensation for members of the agency's governing body (this does not include reimbursement for travel or other agency-related business expenses incurred by these members);
- 3) Expenses related to entertainment of persons other than individuals who receive mental health or developmental disabilities services;
- 4) Individual agency staff or agency association dues (dues for group purchasing relationships for the exclusive purpose of cost saving on purchases are allowable);
- 5) Costs of attending professional meetings (e.g., association meetings and conventions) (this does not include costs for staff attendance at inservice training seminars and workshops);
- 6) Fund-raising expenses;
- 7) Bad debts and professional discounts (these should be recognized as reductions of fees for services revenue, rather than as expenses);
- 8) Charity and grants (this does not include employee educational assistance costs);
- 9) The following types of interest expenses:

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- A) Interest on funds borrowed for investment purposes;
- B) Interest on funds borrowed to create working capital in excess of two months' operating expenses;
- C) Interest on funds borrowed for the personal benefit of any person(s);
- D) Interest on funds borrowed without a prior time-limited written agreement with the Department for the purchase of land, buildings and/or equipment for future expansion, until such assets are actively used in support of program services;
- E) Interest in excess of the current market rate paid to individuals or organizations in less than "arm's length" transactions;
- F) Interest charges on intra-agency fund loans (e.g., interest recorded in the capital fund on cash lent to the operating fund);
- G) Interest expense to the extent that interest income was realized by investment of excess operating funds (i.e., interest expense must first be offset against interest income, and any remaining interest expense is eligible for reimbursement from Department grant funds);
- 10) Development of commodity or equipment inventories (the usage of commodity inventories and the depreciation on fixed assets are expenses which are eligible for reimbursement from Department grant funds);
- 11) Depreciation on fixed assets acquired with Department grant funds;
- 12) Work programs' cost of production. When the product of a Department-funded work program is salable, the expenses of individuals' wages and fringe benefits and of material costs are not reimbursable from Department grant funds;
- 13) In-kind contributions (these expenses are directly offset by the related in-kind revenues);
- 14) Capital acquisitions, unless expressly permitted by the Department in writing (capital acquisitions include real

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estate, buildings, improvements, and items of equipment with unit costs of \$500 or more);

- 15) Establishment of, or addition to, reserve funds;
- 16) Expenses which are specifically reimbursed by other grants or time and purpose restricted funding;
- 17) Expenses of any program for which the agency has not been awarded a grant by the Department; and
- 18) The following types of lobbying expenses:

- A) Expenses incurred in attempts to influence the outcome of any Federal, State, or local election, referendum or initiative;
- B) Expenses incurred in attempts to influence the introduction, enactment, or modification of Federal or State legislation; and
- C) Expenses incurred in connection with legislative liaison activities when such activities are carried on in support of, or in preparation for, allowable lobbying.

Agency note: Expenses incurred in connection with providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement are allowable.

Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993.

Section 103.120 General provisions-- Audits

- a) Each agency is required to receiving a grant from the Department shall have an annual independent audit, as of the close of its fiscal year. This audit is to be performed in accordance with generally accepted auditing standards (GAAS) appropriate for the agency, as promulgated by the American Institute of Certified Public Accountants and, for qualifying grantees or subgrantees of Federal financial assistance, with Federal Office of Management and Budget (OMB) Circular A-133. Audits of Institutions of Higher Education and Other Nonprofit Institutions, or Circular A-128, Audits of State and Local Governments, as applicable. Such an audit shall be conducted by an independent certified public accountant (CPA) registered by the State of Illinois. The resultant audit

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report shall contain the applicable basic financial statements, including the balance sheet; statement of support revenues; expenses and changes in fund balances; and statement of functional expenses. The report may also include other statements required by agency management such as the statement of cash flows.

Prepared in accordance with the applicable American Institute of Certified Public Accountants (AICPA) Industry Audit Guide (e.g., Audit of Voluntary Health-Welfare Organizations). The report shall contain the basic financial statements representing the financial position of the agency, the results of its operations, and changes in fund balances. The report shall also contain a certified public accountant's CPA's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the certified public accountant-CPA expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason therefor shall be stated. The report will not be acceptable if the certified public accountant's CPA's opinion is qualified or denied because the agency placed an unnecessary limitation on the scope of the audit.

- b) The audit report shall include the following supplemental financial information: shall be included in the audit reports for the twelve months ended June 30-- for those agencies with a fiscal year which ends on a date close other than June 30, this supplemental information is to be included for the twelve 12 months ending on the previous June 30 preceding the close of their fiscal year.

- 1) Schedule of income by source and expenses by program

A) This schedule is to be developed using a format prescribed by the Department. This schedule must display revenue by source (using the classifications on the Agency Plan); revenues restricted to a program or earned by a program are to be displayed by program.

This schedule shall include all expenses (direct and allocated) for the agency as a whole for those programs as a group which were not funded by Department grants, and for each individual program which was funded by Department grants. At a minimum, such expenses shall be categorized as follows:

- 1) Employees' salaries and wages;
- 2) Employees' fringe benefits;

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iii.) Individuals' salaries, wages and fringe benefits:iv.) Consultants:v.) Consumable supplies:vi.) Occupancy:vii.) Local transportation:viii.) Specific assistance to individuals:ix.) Non-capitalized equipment:x.) Lease/rent:xi.) Depreciation:xii.) Interest; andxiii.) Miscellaneous.

- B.) In addition, costs of production (which include individuals' salaries, wages and fringe benefits, plus materials costs) should be shown as a notation for any vocational development or similar programs which produce a salable product.

- B7C) Individuals' sources of income shall not be combined. Examples: Funds received from several state or federal agencies shall not be combined into one classification, such as "State of Illinois" or "Federal Government," expenses by category and in total shall agree with expenses in the audited financial statements, unless the agency's fiscal year ends on a date other than June 30. A reconciliation or explanation shall be provided for any differences.

- D.) The CPA shall clearly state his or her position on this schedule and the responsibility assumed, if any. The CPA may extend his or her opinion on the basic financial statements to include this supplemental schedule, or may express a separate opinion on this schedule, or may state that he or she assumes no responsibility and does not express an opinion thereon.

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- 2) Schedule of operating expenses--revenue by source and by program--operating fund

A) In --Department--instructions--and--forms--the--term "operating fund"--is all inclusive of funds--an agency may have in its accounting records except those in a capital fund(s);

B) The --certified--public--accountant--should--develop--the expenses--by--program--statement--using--the--operating expense categories--as pre-printed on the Agency plan. The--statement--is--to include--funded--and--unfunded programs with the funded programs to be identified by the --Department's--program--title--and--number--the statement--is--to include--the--allocation--of administrative expenses--to the various programs.

C) The --certified--public--accountant--should--clearly establish--a--position--regarding--the--supplementary financial information presented in the schedules of income by source and expenses by program--operating fund. This can be done either by extending the overall opinion on the basic financial statements or by a supplementary opinion. If the certified public accountant determines that the additional procedures necessary to permit a supplementary opinion on the supplementary financial information would materially increase the audit time, the certified public accountant may alternatively state the source of the information and the extent of the examination and responsibility assumed, if any.

D) The supplementary schedules are always to agree with or be reconciled to the audited financial statements unless an agency's fiscal year ends on a date other than June 30.

E) This schedule shall be in the same format as the revenue section for the Department's agency plan for the operating fund projected revenue and expense. It shall include all revenue in a total column and show program earnings and restricted revenues by Department-funded programs. Unrestricted revenues need not be allocated to programs.

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B) Revenues by source and in total shall agree with revenue in the audited financial statements, unless the agency's fiscal year ends on a date other than June 30. A reconciliation or explanation shall be provided for any differences.

C) The same requirement stated in subsection (b)(1)(C) of this Section shall be applicable to this schedule.

3) The-certified-public-accountant-should-communicate-in-written-form-material-weakness-in-the-agency's-internal-controls-when-it-impacts-on-the-department's-funding-Copies-of-these-communications-are-to-be-forwarded-to-the-department-with-the-audit-report-Audit report filing requirements

A) The independent audit report, including the report on internal controls, when applicable, and any special reports and/or financial statements required by Federal OMB Circulars A-128 or A-133 for qualifying recipients or subrecipients of federal funds, shall be submitted within 120 days after the end of the agency's fiscal year. Four copies of any reports prepared in accordance with Federal OMB Circulars A-128 or A-133, and two copies of all other documents herein required shall be filed with the Department's Office of Internal Audits.

B) A request for an extension of time to file an independent audit report shall be submitted to the Department's Chief Auditor in writing. Such a request shall include justification. The Chief Auditor shall respond in writing to each such request within 14 days after its receipt by the Department's Office of Internal Audits.

C) A request for exception to the audit requirements prescribed in this Section shall be submitted to the Department's Associate Director for the Division of Administrative Services. Such requests shall be approved only when convincingly justified. The Associate Director for the Division of Administrative Services shall respond in writing to each such request within 14 days after its receipt by the Division of Administrative Services.

D) Failure to meet these audit requirements shall result in the suspension of funding.

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4) Audit report

A) The audit report is to be filed with the Department within 120 days of the end of an agency's fiscal year. Two copies are to be filed with the applicable regional administrator or designer, and two copies are to be filed directly with the Department's Office of Internal Auditor.

B) In order to facilitate meeting filing requirements, agencies are encouraged to contract with certified public accountants before the end of the fiscal year.

C) A request for an extension of time to file an audit report must be submitted in writing and requires prior written approval of the Department's Chief Auditor. A request for an exception to these audit requirements due to unusual circumstances must be submitted in writing and require prior written approval of the Department's Office of Management and Budget. Requests are to be directed in writing to the regional administrator or designer. Such requests will only be approved when they result from circumstances beyond the control of both the agency and its certified public accountant or when approval would be clearly to the benefit of the State. Extension of time to file will not be given beyond 60 days because of the lack of information on a specific matter, such as a contingent liability or retirement plan reserve. Under such circumstances, reports should be filed with appropriate opinions and revised reports filed when issued.

D) Personnel and consultant summaries are to be filed along with the audit reports on forms prescribed by the Department.

E) Failure to meet these audit requirements will result in the suspension of funding.

5) In addition to audits by certified public accountants, compliance audits of selected grantees will be performed by or for the Department's Office of Internal Audits. Such audits will be performed in accordance with the Department's Policy and Procedures Directive 01-03-03-027 "Audit--Grant-in-Aid-Agencies", effective February 19, 1985.

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which--details--procedures--for--Department--audits--and--the
processing-of-reports--resulting-from-them.

e) confirmation-of-Department-payments-made-to-an-agency-required-by
the-certified-public-accountant-during-the-course-of-the-audit-are
to-be-secured-from-the-applicable-region-office.

c) Requests by agencies' CPAs for confirmation of payments made by the
Department shall be directed to the Department.

d) In addition to the required annual independent audits conducted by
CPAs, audits of agencies shall be conducted on site by the
Department's Office of Internal Audits as described in subsections
(1) through (6) of this Section.

1) The Department's Chief Auditor shall make all necessary audit
arrangements.

2) Assignments for compliance audits and operational reviews
shall be based on:

A) A Department-approved audit plan to provide ongoing
audit coverage of grantee agencies;

B) A random sampling of agencies with certain
characteristics, such as those receiving grants in
excess of specified amounts or those participating in
new programs.

C) Requests by Department management for targeted reviews,
reasonably based on suspected fiscal problems or
deficiencies. The reasons for suspected fiscal problems
or deficiencies shall be detailed in writing to the
agency.

D) Requests by agency management for special audits or
targeted reviews.

3) Scope of audits

A) The audits shall involve verification of compliance
with any or all conditions of the grant agreement.

B) The audits may also involve a review of any aspect of
the agency's operation which might affect its ability
to perform in accordance with the grant agreement

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including but not limited to, the agency's general
financial condition and its internal administrative and
accounting controls.

4) Explanation of audit findings

A) The Chief Auditor shall arrange for an explanatory
meeting with the agency after conclusion of the audit
at a mutually agreed-on date. The purpose of this
meeting shall be to deliver the audit report draft to
the agency, to explain its development and format, to
present and explain the audit findings and
recommendations, and to attempt to reach agreement on
the accuracy of the proposed audit findings. At this
meeting a date shall be set for the agency to submit a
preliminary written response to the audit report, no
more than 30 days following the explanatory meeting,
and a second date set for an exit conference to be
held, no more than 45 days following the explanatory
meeting.

B) If the agency determines that an exit conference is
unnecessary, it shall communicate this in writing to
the Chief Auditor at least 10 days prior to the
scheduled exit conference date; otherwise, the exit
conference shall be held. The purposes of this exit
conference are:

i) For the agency to disclose to the auditors any
possible errors or incorrect conclusions in the
audit report draft. The agency shall bring to
this conference any documentation that will
assist in substantiating its contention of
inaccuracies in the report draft.

ii) To serve as the informal hearing required by
Section 7 of the Illinois Grant Funds Recovery
Act (Ill. Rev. Stat. 1991, Ch. 127, par. 2307)
[30 ILCS 705/7].

C) If an exit conference is held and results in material
changes, the Chief Auditor shall incorporate any such
changes into the audit report draft and within 20 days
after the exit conference shall send a revised audit
report draft to the agency. The agency shall, within 30
days after the date of the transmittal letter, deliver

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its final written response to the revised audit report draft for inclusion in the final audit report. If the agency wishes to have its preliminary response, as provided for in subsection (d)(4)(A) of this Section, provided as its final response, it shall send a letter to the Chief Auditor so stating within 30 days after the date of the transmittal letter. If the agency's final response is not received by the Chief Auditor within 30 days, he or she shall recommend to the Director that the agency's grant be suspended in accordance with Section 103.190(c)(3).

- D) After incorporating the agency's response, and not later than 20 days after receipt of it, the Chief Auditor shall issue the final audit report to the provider, and send copies to the head of the agency's governing body and to Department managers.

5) Resolution of final audit reports

The Chief Auditor shall determine if the agency's response to the final audit report is acceptable on all matters except for the recovery of grant funds.

- A) The Chief Auditor shall include his or her comments relating to the facts as stated in the agency's response, if appropriate.

- B) Any recipient of the final audit report who wishes to comment on the audit findings and agency responses shall communicate those comments to the Chief Auditor within 30 days after the date of the letter transmitting the final audit report.

- C) Within 45 days after the date of the letter transmitting the final audit report, the Chief Auditor shall advise the agency of the Department's position on the audit findings, recommendations and agency responses sending copies to all recipients of the final audit report.

- D) Approximately 180 days after the date of the agency's letter of response to the final audit report, as provided for in subsection (d)(4)(C) of this Section, the Office of Internal Audits shall contact the agency and make arrangements to revisit the agency to review

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the implementation status of the audit recommendations. The results of this review shall be communicated in writing to all recipients of the final audit report.

6) Recovery of grant funds

If there is evidence in support of the apparent need for recovery of grant funds in accordance with the Illinois Grant Funds Recovery Act, the Chief Auditor shall include that finding as Finding A in the final audit report, preceding any procedural findings and recommendations. Such a finding shall be adequately explained to permit the agency and Department management to understand its development and the facts which led to the conclusion that there may have been an overpayment of grant funds.

- A) The Associate Director for the Division of Administrative Services shall, within 35 days after the date of the Chief Auditor's position letter provided in subsection (d)(3)(C) of this Section, send the agency's authorized agency representative a notice of the intended recovery, with copies to all recipients of the final audit report.

- B) If the agency disagrees with the finding of apparent overpayment and the notice of intended recovery, it shall send a request for a hearing to the Associate Director for the Division of Administrative Services within 35 days after the date of the notice of recovery provided for in subsection (d)(3)(A) of this Section. If the Associate Director for the Division of Administrative Services does not receive a hearing request within the specified time limit, he or she shall proceed to recover the funds.

- C) If the agency requests a hearing, such hearing shall be conducted within 45 days after the date of the request letter, in accordance with Section 8 of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1991, ch. 127, par. 2308) [30 ILCS 705/8]. Request for a hearing shall stay further recovery efforts.

- e) The Department and the agency shall comply with all timeframes for submitting information, for responding to the submitted information, for notice requirements and for review or a hearing as outlined in this Section regarding audits. The agency

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may appeal the Department's failure to respond to timeliness as outlined in this Section.

Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993.

Section 103.130 General provisions--Departmental review and hearing processes

In order to assure that community-agencies service-providers have input and recourse to fiscal and programmatic decisions which directly affect them, two distinct-but-related Departmental review and hearing processes is established and is available to each Department-funded community-agency:

- a) Grant award re-evaluation process--annual-award
 - 1) Issues-related-to-the-annual-grant-award-as-determined-by-the-regional-office-may-be-re-evaluated-through-the-grant-re-evaluation-process--The first-level-in-this-process-is-the-regional-administrative-review--The community-agency-is responsible-for-initiating-a-written-request-to-the-regional administrator-for-the-review--The request-should-indicate-the basis-for-the-review--The regional-office-is-responsible-for reviewing-the-material--and-scheduling-an-administrative review-with-the-community-agency-within-45-days-of-receipt-of-the-request-from-the-community-agency--The community-agency is-to-be-notified-in-writing-of-the-outcome-within-15-days-of the-Department's-review-of-the-agency--An agency may request a review of the following decisions of the Department concerning an award of funds:
 - A) Differences or changes in the elements considered in the funding negotiations with the Department as specified in Section 103.90; or
 - B) Decisions which countermand previous commitments made to the agency.
 - 2) If an issue is not resolved at the regional administrative review-the community-agency may initiate the second-level-of-the grant re-evaluation process by requesting a central office hearing--Hearings will be conducted by a central office committee-hearing-by-the-office-of-operations-Support and Analysis--which shall include two community representatives appointed by the Director--Requests must be in writing--directed to the Administrator--Office of Operations-Support and Analysis-and-debate-the-issues-of its board-of-directors--A copy-of-the-hearing-request-will

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be sent-to-the-regional-administrator--The request shall be submitted in writing to the associate director of the appropriate program division within 45 days after the date of an executed or amended grant agreement and shall include the basis for the request.

- 3) The office of--Operations--Support--and--Analysis--has responsibility-for-conducting-central-office-hearings-and will-grant-hearings-only-on-issues-that-challenge-the integrity-of-the-budget-building-process--Reviewable-issues shall-consist-of-the-following: Program division staff shall review the request and may request the agency to submit additional material--The program division staff shall render a written decision within 45 days after the date of the receipt of the request or of the additional material--The decision shall be mailed to the agency within 15 days after the completion of the review.
 - A) Decisions made-without-regard-for-established-funding priorities
 - B) Decisions which countermand previous commitments developed-in-good-faith-with-the-community-agency
 - C) Deliberate-decreases-in-funding-based-solely-on increases-from-local-sources-and
 - B) Decisions-made-without-the-support-of-written-or-historically-accepted-procedural-policy
- 4) Program division staff may meet with agency representatives for purposes of clarifying issues, seeking additional information, or attempting to resolve the matter.
 - b) Grant-issue-resolution-process--for-adjustment-during-the-year
 - i) Issues-other-than-those-directly-related-to-the-annual-grant award-process-and-not-an-exception-to-Part-483-are-to-be resolved-within-the-existing-region/central-office-structure of-the-Department
 - 2) An agency may request a review-related-to-a-specific-issue once an impasse has been reached in its negotiations with that level-of-the-Department-to-which-it-relates-on-a-regular basis

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3) The region will study the materials submitted for review and, as needed, schedule a review hearing within 45 days of receipt of the request of the community agency. The written results of the region review of the region review hearing will be conveyed to the agency within 15 days of the hearing if the region and the agency are unable to resolve the issue; the agency may submit a written request to the Director for his review. The agency must send a copy of this request to the region. The Director will not act on a review request unless the regional review process previously described has been exhausted.

b) Grant award hearing process

1) Agencies may submit a written request to the Department for a formal hearing only when resolution of the issues specified in subsection (a) of this Section is not in accordance with this Part.

2) A hearing may be requested by an agency not later than 30 days after the postmark date of the letter from the Department's program divisions informing the agency of the outcome of the review. The written request for a formal hearing must state specifically how the outcome was not in accordance with this Part.

3) Notice of hearing proceedings shall be in accordance with Section 10-25 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25) [5 ILCS 100/10-25].

4) The hearing shall be conducted by a Department hearing committee, appointed by the Director, and composed of an agency representative selected from a roster of authorized agency representatives and who is not objectionable to the appealing agency, the associate director for the applicable program division or his or her designee(s) and the Associate Director of Administrative Services or his or her designee, who shall chair the committee.

a) At the hearing, Department staff shall present written and oral evidence concerning the Department's decision. The agency may then present written or oral evidence.

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b) The Department shall have the burden of proving that its decision was made in accordance with this Part.

c) The hearing officer shall uphold the Department's decision if he or she finds that the decision was supported by substantial evidence. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion.

5) The hearing shall be held not later than 45 days after receipt of the agency's request.

6) The finding(s) and decision of the hearing committee shall be made not later than 10 working days following the conclusion of the hearing proceedings and shall be sent to the agency via certified mail.

c) Director's review

1) If the agency is not satisfied with the committee's decision, it may request a review of the decision by the Director or his or her designee. Such request shall be made in writing to the Director within 20 days after receipt of the decision.

2) After receiving the request for review, the Director or his or her designee shall review the committee's decision and copies of all documents considered at the hearing. Within 20 working days after receipt of the request for review, the Director or his or her designee shall issue a written decision upholding, revising or modifying the committee's decision. Copies of the decision shall be sent to the Department and the agency.

3) The Director's or his or her designee's decision shall constitute a final administrative decision, which is appealable in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.) [735 ILCS 5/3].

d) Grant issue resolution process - for adjustments during the year.

1) Issues other than those directly related to the annual grant award process and not an exception to this Part are to be resolved within the Department's existing program division structure.

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- 2) An agency may request a review related to a specific issue once an impasse has been reached in its negotiations with that program division level of the Department to which it relates on a regular basis.
- 3) If the program division and the agency are unable to resolve the issue, the agency may submit a written request to the Director for review. The agency shall send a copy of this request to the relevant program division. The Director shall not act on a review request unless the program division review process previously described has been exhausted.
- e) The Department and the agency shall comply with all timeframes for submission of information, response to submission of information, notice, review or hearing as outlined in this Section regarding audits. The agency may appeal the Department's failure to respond to timeliness as outlined in this Section.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.140 Budget application (Repealed)

- a) in order for the agencies to have an opportunity to participate in the Department's budget-building process, a budget application process has been established. Since the agencies can most accurately project their own future financial needs, they are required to submit a budget application which provides the detailed budget justification required by the Department. These budget applications will include the following:
- 1) Current year service levels and costs;
 - 2) Projected changes in current year service levels and costs along with justification for such changes;
 - 3) Total projected service levels and costs for the budget year.
- b) All agencies are required to compete these data on forms prescribed by the Department in order to facilitate development and presentation of the annual community services budgets. The collection of these data will be compatible with the format of the Agency Plan.

(Source: Repealed at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.150 Agency Plan

- a) The agency shall submit an agency continuation application prior to the beginning of the fiscal year. The purpose of the continuation application is to provide documentation of service and service contracting in order to permit continuation of grant payment into the new fiscal year. A complete agency plan shall be submitted after the beginning of the fiscal year.
- b) All agencies are required to submit their data on forms prescribed by the Department.
- c) Hereafter, in this Section and other Sections of this Part, "Agency Plan" will refer to the currently approved program service and funding plan, operating fund projected expense forms and related forms.
- b)d) The Agency Plan when fully executed as part of the Grant Agreement, serves as the formal statement of mutual expectations between the Department and the agency regarding contracted realistically achievable levels of service, and costs and funding levels. The Agency Plan is a combination service plan and budget. It identifies what services will be provided, to what target group and the geographical area to be served. In addition, it identifies how the services will be financed, and through what budget items and funding sources. It becomes formalized documentation of the agreement between the Department and the agency through mutual execution of the Grant Agreement.
- c) Forms prescribed for use as the Agency plan are designed to be consistent with the cost reporting categories contained in the State of Illinois Interagency Statistical and Financial Report. These Agency Plans manifest the commitment of the Department to utilize common cost reporting categories in materials submitted by community-based service providers.
- e) An agency not funded by the Department or whose funding has been canceled pursuant to Section 103.190(e) shall submit verification of status as a not-for-profit organization, a complete agency plan on forms prescribed by the Department and shall execute a signed grant agreement prior to commencement of funding.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.160 Grant Agreement and addenda

- a) Definition

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The Grant Agreement is the obligating instrument which provides the basis for Departmental financial participation in programs operated by the agency. The Agency Plan and Grant Agreement when fully executed formalize the contractual relationship between the Department and each agency, indicating the amount of Department funds which will be paid to the agency in consideration for the provision of services as described in the Agency Plan.

a) Definition of grant agreement

When fully executed, the grant agreement is the obligating instrument providing the basis for the Departmental financial participation in grant-in-aid programs, and which formalizes the contractual relationship between the Department and the agency, indicating the amount of Department funds which will be paid to the agency for the provision of services as described in the grant agreement and the agency plan.

b) Contents of grant agreement

The grant agreement shall specify the general services to be provided, the general terms and conditions of the agreement and may specify additional terms and conditions for specific service provided by the agency.

c) Execution Preparation responsibilities

Regions will be responsible for preparing the Grant Agreement, and designating the appropriate addenda. The region will forward it to the Agency and return it to the agency department. The Department Agent's signature will be affixed by the region thereby approving the Grant Agreement. The region will distribute copies. An approved and executed copy shall be returned to the agency and the General Office.

d) Addenda to Provisions of the Grant Agreement

Addenda Provisions, as referenced in the Grant Agreement (General Provisions, Section 4, paragraph 2) when applicable, and as described below become part of the Grant Agreement.

1) Non-discrimination addendum

- A) The agency grantee agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. 2000d (1992)).

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1989) and all requirements imposed by or pursuant to the regulation of the U.S. Department of Health and Human Services--Education and Welfare (45 CFR 80.1981 (1992)) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the regulation, no person in the United States shall, on the grounds of sex, race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the grantee receives federal or State financial assistance from the grantor. Grantee hereby gives assurance that it will immediately take any measures necessary to effectuate this Grant Agreement.

- B) The agency grantee agrees to comply with Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. 2000e (1981 (1992))) and not discriminate in the hiring or employment of staff on the basis of race, color, national origin, age, disability or sex.

- C) The agency agrees to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12213 (1992) and 47 U.S.C. 225 and 611 (1992)) and all requirements imposed by or pursuant to the regulations of the U.S. Department of Health and Human Services issued pursuant to that statute, to the end that no otherwise qualified individual shall be discriminated against on the basis of handicap in the provision of services.

2) Drug-free workplace

The agency agrees to comply with the Drug-Free Workplace Act (111. Rev. Stat. 1991, ch. 127, par. 132.311 et seq.) [30 ILCS 580]. Agency employees are prohibited from the unlawful manufacture, dispensing, possession or use of a controlled substance or alcohol in the workplace while performing their duties.

3) Mandated follow-up monitoring services addendum

- A) The agency shall comply with the provisions Section 15 of "AN Act codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" Act (111-Rev. Stat. 1991, ch. 911, par. 100-15) and the Department's rules at Part 125

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Recipient--Discharge/Linkage/Aftercare--(59 Ill. Adm. Code 125) (Recipient Discharge/Linkage/Aftercare), which requires mandatory follow-up monitoring services to individuals Department--of--Mental--Health--and Developmental--Disabilities placed in licensed nursing homes, sheltered care homes and homes for the aged in accordance with the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111, par. 4151-101 et seq.) [210 ILCS 451, and the Department's rules contained in this Part 403.

B) The agency shall comply with the provisions of 59 Ill. Adm. Code 101.80 (Conflict of Interest) in relation to its activities with licensed long-term care facilities. In essence, no employee of the agency may shall serve as an employee or consultant either paid or unpaid to any licensed facility in the State of Illinois. Additionally, the agency itself may shall not be in a financial relationship with a licensed facility in such a way which results in, or appears to result in, a conflict of interest with its monitoring functions under the grant. This would shall include, at the very least, a situation where the agency is purchasing or receiving services from the same facility it monitors under this grant. The Director or--regional administrator may issue approvals for exceptions which have been requested in writing to this subsection under circumstances including but not necessarily limited to those where the only developmental disabilities or mental health expertise available in a rural area is part of a current grant or of a governmental agency.

C) The agency shall provide the following mandated services but not be limited to them:

The Department shall monitor the agency's performance of the mandated follow-up monitoring function and maintain final responsibility for the provision of this service if the grant agreement is violated.

i) Staff providing follow-up monitoring services must visit each recipient of a group care facility for whom follow-up services are mandated at least once every week for the first month and once a month thereafter.

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ii) During the course of this visit, the staff responsible for follow-up monitoring services must review the social, recreational, and daily living aspects of the needs of the recipient both as defined in the individualized services plan and as modified by changes in the condition of the recipient since discharge. A report of the number of recipients in each facility visited must be sent to the designated regional staff and a report of the findings and recommendations made pursuant to the visit kept in the agency's records. These findings and recommendations shall be made available to Department monitoring staff upon request. Form BMHBP 1009 is then completed to provide the information system with a record of the visit.

iii) The staff providing follow-up monitoring services must determine based on their assessment if the program and living situation are adequate and appropriate to meet the psychological and daily living needs of the recipient and whether additional mental health services are required.

iv) The staff responsible for follow-up monitoring services shall record their findings as to the facility's ability to meet the needs of former Department recipients placed in the facility. A report of these findings shall be sent to designated regional staff of the Departments of Mental Health and Developmental Disabilities, Public Aid and Public Health when interagency action such as recipient transfer, licensure revocation, decertification or hold on placement is being considered. This report should also contain any action already taken and note any recommendations for further action.

b) The Department shall monitor the agency's performance of the mandated follow-up monitoring function and maintain final responsibility for the provision of this service if the Grant Agreement is violated.

4) Adjustments addendum

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This addendum is used for corrections, a redistribution, a supplemental award or a reduction in award.

A) Definitions

i) Correction--Corrections are adjustments made to correct information which has appeared in error on the original grant agreement or subsequent addenda (example: errors in unit code, program code, and program name; fund code, grant award, agency total; agency fund and code total)

ii) Supplemental--For a program currently receiving grant funds a supplemental represents an increase to both the individual program award and the agency total for a new program; a supplemental represents both the addition of an individual program award and an increase to the agency total.

iii) Reduction--A reduction represents a decrease in the level of funding to a program currently receiving grant funds as well as a decrease to the agency total.

iv) Redistribution--A redistribution changes the distribution of the agency total award between two or more individual program awards--it involves an intra-agency transfer of funds; and therefore, the increases to individual programs are always balanced by the decreases to other programs; the agency total does not change.

v) Lapse--A notice of reduction in grant amount resulting from under expenditure in a department-funded program.

B) Region-responsibility

Prepare addendum for those agencies where the region has approved a correction--a redistribution; a supplemental award or a reduction in award or a lapse addendum.

6) The agency responsibility--sign the addendum and return it to the region representative, if applicable.

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b) Region-responsibility--obtain Department-Agency signature and distribute the original to the region, a copy to the agency, and a copy to the Department's office of Management and Budget.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.165 Accreditation

a) Providers demonstrating current accreditation status under either the Standards for Services for People with Developmental Disabilities (Council), Standards Manual for Organizations Serving People with Disabilities (CARF), Council on Accreditation of Services for Families and Children (COA), Mental Health Standards (JCAHO), or the Accreditation Manual for Hospitals (JCAHO) shall be deemed to be in compliance with Sections 103.25 and 103.60.

b) Demonstration of current accreditation status shall be achieved by submission of a statement of accreditation by the agency to the Department as part of the submission of the agency plan.

c) If the agency's accreditation status changes for any reason, the agency shall notify the Department of that change within 30 days after the effective date following the change.

(Source: Added at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.170 Agency Pplan compliance

e) The Agency Plan including the Grant Agreement is a combination service plan and budget. It identifies what services will be provided; to what target group; and what geographic area will be served. In addition, it identifies how the services will be financed; through what budget items and funding sources. In summary, the Agency Plan does not contain identical service levels or costs; rather, it is a formal statement of mutual expectations regarding realistically achievable levels of service and costs. It becomes formalized documentation of the agreement between the Department and the agency through the mutual execution of the Grant Agreement.

b) The following principles and procedures in subsections paragraphs (d) (c) through (f)(e) of this section do not replace any of the Departmental accountability standards and procedures currently in effect; rather, they are intended to clarify responsibilities for

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assuring compliance with all Departmental policy as it relates to the Agency Pplan.

e)b) Principles

- 1) All agencies are accountable for the performance levels specified in their Agency Pplans. Variances between the Agency Pplan and an agency's actual performance as reflected in submitted to the extrememai-reporting system need to shall be reviewed by region Department staff. Services shall be reported as event mode, day mode, residential mode services or other mutually negotiated measurements. An agency must be able to justify these variances to region-staff-and-region staff must-be-able to explain these variances to the Department's request-variations-to-Department-Central-Office staff. The Central-Office, in turn, is accountable to the executive-and-legislative-branches-of-state-and-federal governments.

- 2) The analysis of financial and statistical variances is not, in itself, an exercise in quality assessment. Variances are principally quantitative measures which should be used as an administrative guide in reviewing program performance.

- 3) The delivery of human services is not always predictably quantifiable in precise terms; variances, therefore, are not always meaningful measures. In many situations, however, variances are important statistical indicators of management or programmatic issues, and they should be reviewed on this basis.

- 4) All variances must be reviewed; region staff are required to document the reasons for all variances in excess of plus or minus 15%. While the region may choose to delegate this task to community agency staff, the region staff are ultimately responsible for the documentation. All negative variances of 15% or greater in contracted units of service (direct service staff hours, direct service individual (client) hours, and days of care) shall be reviewed. Documentation shall be provided to the Department by the agency identifying the variance, the reason for the variance and action which the agency shall take to correct the variance.

- 5) The variance levels described in paragraph subsection (b)(4) of this Section are not intended to define an acceptable level of service but serve only as a "management flag"

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identifying the point beyond which formal documentation is required for Department Central-Office review. When region staff deem it appropriate, it may be necessary to document variances of less than plus or minus 15%.

- 6) In applying these principles, it is recognized that region staff must exercise judgment. It is therefore important for the mutual expectations between the Department and a grantee agency to be clearly established and for discussions regarding these expectations to be ongoing.

d)c) Procedures for Department regional review

- 1) During the grant year, events take place occur that may result in variations between the Agency Pplan and the agency's actual performance, either statistically or financially. These variances in performance may be either temporary or permanent, in nature.

- A) A temporary variance is a difference between the Agency Pplan and actual performance that is caused by a short-lived event or circumstance that will not adversely impact a program's ability to perform as outlined in the Agency Pplan, except in the short term. Best estimates of the program's future financial and service activity would indicate the correctness of staying with the current Agency Pplan rather than changing it to meet the unusual and temporary circumstances. In other words, the causes of temporary variance are, by their nature, not sufficient reason to change the approved Agency Pplan.

- B) A permanent variance is a difference between the Agency Pplan and actual performance that is caused by an event or circumstances that significantly alter expectations about the future financial or service activity in terms of a program's ability to perform as outlined in the approved Agency Pplan. The causes of a permanent variance are such that a new Agency Pplan will have to be negotiated between the agency and the Department.

- 2) It is the Department's responsibility of each region office to exercise a review function for all funded agencies in its area; assuring accountability for the service levels and costs established in all Agency Pplans. To effectively

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perform this role, all statistical and financial variances from Agency Polps shall be reviewed semiannually (at a minimum). In addition, the Department may schedule site visits to Agencies as part of this review process.

e)d) Identifying statistical variances

- 1) As an administrative guide in conducting reviews, Department region staff will focus on the following measures which are based on service projections included in the Agency Polps. These measures indicate the total units of service delivered by a program:

A) Event-mode programs (programs reporting via the BMHBP-1999, forms) Total direct service staff hours, direct service individual (client) hours or total program participant hours, or as appropriate, total individual days of service.

ii) Direct service staff hours; and

ii) Total recipient contacts;

B) Day-mode programs (programs reporting via the BMHBP-1997 form); total recipient days of service

B)c) For all programs with a variance in one of the above measures, written explanations are required if the variance exceeds plus or minus 15%. For any variance identified in this manner, documentation is required at least semiannually. (Explanations, however, must address the variance for each month within the period.)

2) Variances requiring documentation

A) Those statistical variances which require documentation for central office review are identified in reports generated from the Department's extramural reporting system. Variances will be determined according to the service modality of the program and according to a "workload" concept of reviewing total units of service.

B) If the program is an event-mode program, direct service staff hours and total recipient contacts will be used to compute the variances.

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ii) Direct service staff hours includes all staff time reported on the BMHBP-1999 system to registered recipient; non-registered recipients, collaterals, and the community.

Agency notes-These services will be compared with the Agency Plan projection for direct service staff hours

ii) Total recipient contacts include the number of recipient events provided to registered recipients; non-registered recipients; and collaterals

Agency notes-These services will be compared with a "composite" statistic which combines, into a single measure, the Agency Plan projections for recipients served, average contacts, and total contacts to unregistered recipients.

ii) If the program is a day mode program, total recipient days of service will be used to compute the variance. Total recipient days of service are taken from BMHBP-1997 records, either those submitted from the agency or those generated from detoxification openings.

Agency notes-These services will be compared with a "composite" statistic which combines, into a single measure, the Agency Plan projections for recipients served and average days of attendance per recipient

B) Region staff are required at a minimum to document variances in the workload measures identified above. Staff should also review each of the four service statistics individually specified in the Agency Plan (recipients served, average contacts, total direct service hours, total contacts to unregistered recipients). Documentation of the variances for the measures is not required (except for total direct service hours as indicated above).

f) Identifying financial variances

All variances between program expenses (as reported in the periodic operating fund revenue expense report) and those as established in the Agency Plan must be reviewed by region staff.

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- 1) Department funds -- Variance in Department grant funds shall be reconciled periodically in accordance with the provisions of the Grant Agreement and current Departmental operational policies and procedures.
- 2) Program expenses -- Region staff shall review, on a program basis, all variances between actual total program expenses and projected total program expenses for the period.
- 3) Documenting variances -- To allow each region the maximum flexibility in adapting these compliance procedures to its administrative style of operation, no standard documentation format or detailed review procedures are prescribed.

1) Documentation format

- A) All regions must file a copy of the regional documentation format used for variance explanations with the Department's Office of Management and Budget. This documentation format, at a minimum, must answer the following questions:

- i) What is the variance and why does it exist?
- ii) Is the variance temporary or permanent?
- iii) Are corrective steps necessary? (if so, indicate.)

- B) Although explanations must address all three questions, answers should be as succinct as possible.

- 2) Within the framework of these compliance procedures, regions may apply higher standards or review additional measures concerning programming performance.

- 3) Resolution of variance issues -- Region staff are responsible for determining whether a variance is temporary or permanent. Explanations of all documented variances shall be retained at the Region office with copies sent to the individual agencies affected. Central office staff will meet with regional staff at least quarterly to review these issues.

- A) Temporary variances -- Even though a temporary variance is not expected to adversely impact the program's ability to perform as outlined in the approved Agency Plan,

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it is a departure from what was agreed upon. As such, the variance must be evaluated by the responsible region staff in the ongoing review of agency performance. The evaluation will result in specific action by the Department and/or the agency depending upon the responsible region staff's assessment of the impact of the variance on the program's compliance with the Agency Plan.

- B) Permanent variances -- All permanent variances require the immediate renegotiation of the Agency Plan; revisions must be made to those sections of the Agency Plan affected by these variances.

- C) Statistical variances -- In addition to a determination of service commitments, the renegotiation of an Agency Plan requires a re-evaluation of the level of Department financial participation in the program. In all cases when a permanent variance has been established by region staff, the burden of proof is on the agency affected to justify continuation of its present funding level. When the agency cannot demonstrate such justification, the grant award may be adjusted accordingly.

- B) Financial variances -- If the agreed upon level for "other" funds permanently changes during the fiscal year, in relation to the program's total expenses, a renegotiation of the Agency Plan must occur. This renegotiation must begin within 30 days after the variance has been identified.

- E) Programmatic/managerial variances -- Given a situation in which a program is found to be in statistical or financial variance, progress toward programmatic and managerial objectives may have an important bearing on the region staff's determinations as to whether the variance is temporary or permanent. If the variance is judged to be permanent, a revised Agency Plan will be required.

- 4) Audits -- Documentation of variances and the records of renegotiated Agency Plans form the basis for any after-the-fact review of an agency's relationship with the Department. Audits will be conducted on the basis of this information.

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e) Audits

Documentation of variances and the records of renegotiated agency plans form the basis for any after-the-fact review of an agency's relationship with the Department.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.180 Prerequisites for disbursement of funds

The Department will disburse funds to agencies in accordance with the fully executed Grant Agreement (including addenda, if applicable) and an Agency Plan signed by the Department's Agent upon receipt of a monthly Agency Disbursement Request signed by the region.

a) Agency responsibility

1) Sign and return the Grant Agreement (and addenda) to the region.

2) Prepare and submit in duplicate an Agency Plan to the region.

3) Prepare an agency disbursement request for funds requested. The agency will retain one copy and submit one copy to the region (unless otherwise instructed). A separate request each month is required for each Department fund code broken down by program.

4) Individual payment attestations may vary in amount; however, the total amount(s) requested from all Department fund codes cannot be in excess of monthly total operating expenses of an agency. The sum of all monthly disbursement requests cannot exceed the Department grant funds as indicated in the approved Agency Plan.

b) Region responsibility

1) Initiate and approve Grant Agreement and addenda. Obtain the Department Agent's signature and distribute to:

A) Agency;

B) Region;

C) Department's Office of Management and Budget.

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2) Review and approve or disapprove the Agency Plan submitted by the agency based on factors including but not necessarily limited to current funding priorities, budgetary constraints and compliance with this Part. Distribute to:

A) Agency;

B) Region.

3) Site visits by region staff to agencies receiving grant funds must be completed at a minimum on a quarterly basis and documentation of the site visit must be retained in the region's agency file.

4) Review and if consistent with the Agency Plan, enter Agency Disbursement Request into the computer no later than the 15th day of the month preceding the month for which payment is being requested. If the disbursement request is inconsistent with the Agency Plan, the region shall notify the agency of such facts within 10 working days after the end of the vouchering cycle.

5) Retain one copy of the approved Agency Disbursement Request in the region's agency file.

6) Use Agency Plan for verification of the Agency Disbursement Request. If any change to the allocation is to affect payment for the month for which funds are being requested, the allocation must be changed via computer entry. This change must be made before the close of business of the 5th day of the month preceding the month for which payment is being requested.

7) When a revised Agency Plan is required, the region staff must verify that the monthly allocations entered via the computer are correct.

a) Agencies are required to submit a continuation application for the forthcoming year prior to commencement of the fiscal year, within timeframes as established by and using forms prescribed by the Department.

b) Agencies are further required to submit a full agency plan for the Department's review and approval within timeframes as established by and using forms prescribed by the Department.

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(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)
Section 103.190 Interruption of disbursement and grant cancellation

- a) The Department may take action to interrupt disbursements to agencies for fiscal reporting infractions and/or agency operations which are contrary to Department policy stated herein and to cancel the Grant Agreement. Funds withheld by the Department during suspensions continue to accrue to the account of the agency and will be disbursed upon resolution of the infraction or deficiency. In the case of cancellation, funding will not be available and will not accrue for the period during which the Grant Agreement is canceled.
- b) The sanctions outlined herein for suspension and cancellation will be undertaken only after the Department region-and-the Department have made a reasonable effort to reach an acceptable resolution with the agency.

- c) The following are occasions for cancellations or suspensions:

1) Beilnquent-revenue/expense-report

This-type-of-fiscal-infraction-exists-when-an-agency-does-not submit-a-revenue/expense-report-within-the-designated-time limits-and-no-written-exception-or-extension-has-been-processed-Requests-for-subsequent-disbursements-will-not-be-processed-by-the-designated-region-and-paid-by-the-Department-until-the deilnquent-revenue/expense-report-has-been-received-and approved-This-type-of-fund-interruption-shall-be-automatic and-without-further-notice-to-the-agency.

2) Delinquent year-end certified audit report and end-of-year personnel-and-consuitant-summaries

- A) This type of fiscal infraction exists when an agency does not submit a year-end certified audit report and the-accompanying-personnel-and-consuitant-summaries.
- B) The agencies which have not submitted audited financial statements for the prior grant year within 106 days of after the end of their fiscal year will be given advance notice by registered letter from the Department's Office of Internal Audits that Department audit requirements must be met within 120 days-of after the end of their fiscal year. Copies of the letter will

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be sent to the-appropriate Department staff, regional administrator-and-other-appropriate-central-and-region office-staff.

- C) The Office of Internal Audits will send a registered letter from the Director to the agency suspending current year grant funding 120 days after the end of the agency's fiscal year for agencies not in compliance with audit requirements for the prior year. Copies of the letter will be sent to the-regional-administrator and-other appropriate central-and-Department region office-staff.
- D) Any audit filing extension for the prior grant year approved by the Office of Internal Audits shall be considered advance notice to the agency of the Department's intention to suspend current year grant funding upon expiration of the filing extension.
- E) Upon expiration of any approved extension for fulfilling the prior year's audit requirements, the Office of Internal Audits will send a registered letter from the Director to the agency suspending current year grant funds as of the date of the expired extension. Copies-of-the-letter-will-be-sent-to-the-regional administrator-and-other-appropriate-central-and-region office-staff.

3)2) Non-compliance with repayment procedures for under expended grant funds - This type of fiscal infraction exists when the agency fails to refund unexpended funds from a previous grant award.

4)3) Other suspensions - All other actions regarding suspension of grant funds are taken by the Director, of-the-Department of Mental-Health-and-Developmental-Disabilities. The-Director's action-will-be-based-upon-the-recommendations-of--the appropriate-region-staff-and-the-applicable-member-or-members of--the-Department's--Executive--Council. Suspension of disbursement shall remain in effect until such time as specified conditions are met. In unusual and severe circumstances, e.g., abuse or neglect of an individual, the Director may immediately suspend grant funds pending an investigation.

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- d) Actions for suspension require written notification to the agency and other appropriate funding bodies, if applicable, at least 15 days before such action goes into effect. Such notice shall specify reasons for which action is taken and the conditions under which suspension will be ended. Also-specified-will-be-the date when the grant will be automatically canceled if the conditions of suspension are not satisfied shall also be specified. All parties wish shall be notified when the suspension of the grant is ended.

e) Cancellation of grant agreement

- 1) The Department or agency, upon 30 calendar days written notice of intention to do so, may terminate all or part of the grant Agreement. Further, the Department, by written notice, may immediately terminate all or any part of the Grant Agreement upon determination that State funds have been used or are being used for purposes other than those which are the basis of the Grant Agreement. Immediate termination is intended to apply in-these-cases-where whenever there is a determination of fraud, misappropriation or misuse in obtaining or expending Department funds or in certain cases of unusual incident, such as abuse or neglect of an individual.

- 2) Cancellation of a grant remains in effect until such time as specified conditions are met. Funding will not be available for the period during which a grant is canceled.

- 3) Cancellation of a grant means that the grant is thus rendered reduced from the original award for each calendar month during which cancellation is in effect, in accordance with the Agency Pplan as approved by the Department. Cancellation requires written notification to the agency and other appropriate funding bodies, if applicable, 30 calendar days before such action goes into effect. Such notice shall specify the reasons for which the action is taken and the conditions under which cancellation-will-be-ended reinstatement will occur. All parties will be notified when the cancellation period is ended.

- 4) When-if the conditions under which the grant is canceled have not been rectified by the end of the fiscal year, no new grant award will be made for the ensuing fiscal year, until such time as all conditions are satisfactorily met for the prior fiscal year. At the time that the Department and the agency determine that all conditions from the prior year have

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been met, the agency shall submit required information, in accordance with Section 103.150(e), and execute a signed Grant agreement prior to recommencement of funding.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.200 Revenue/expense reports (Repealed)

The agencies are to complete and submit to the region periodic reports of revenue and expenses on forms prescribed by the Department. The purpose of these reports is to determine if the actual accrued operating revenue and expenses and capital income and expenses of an agency are within reasonable limits of budget projections. The agencies provide accrued operating expenses and actual agency income by source rather than budget projections as shown on the Agency Plan. Reconciliations are to be performed by program and agency total for both operating expenses to budget and operating expenses to funds received by an agency. All agencies will be required to submit a six-month report covering the period from July 1 through December 31 and a year-end report covering the entire fiscal year except those identified in Section 103.200(c).

a) Periodic reports

Revenue/expense reporting provides the total revenue accrued operating income and expenses of the agency, the combined accrued operating income and expenses of all unfunded programs, the combined accrued operating income and expenses for all Department grant-funded programs, and the accrued operating income and expenses for each Department grant-funded program. The completed report including supporting information must be obtained from the agency's accounting records. Requests for extensions are subject to review by the regional administrator and are granted for hardship situations not created by the agency.

- 1) The appropriate indirect expenses should be allocated based on the allocation factors negotiated with the region and consistent with the Agency Plan.

2) In-kind contributions

- A) Other sources provide the category and valuation of non-state in-kind contributions and related expenses based upon Department procedures.

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non-compliance. A copy of the letter is to be sent to the Department's office of Management and Budget.

- B) Each agency shall, after being provided by the Department with 10 days notice and an opportunity for a hearing within the affected region, repay to the Department amounts found not to have been expended in accordance with the Grant Agreement, the Agency Plan and these rules. If such repayment is not made, the Department shall, after providing the agency with 10 days notice and an opportunity for a hearing, offset such amounts through any or all collection procedures provided for in the Illinois Grant Funds Recovery Act (435 Rev. Stat. 1905, ch. 127, pars. 2301 et seq.).

b) Lapsed funds

Department funds not expended as outlined in the effective Agency Plan are considered lapsed. These lapsed funds should be calculated by comparing the operating expenses to the budget using the following method:

- 1) Operating expenses to budget -- Display the total funds and grant funds budgeted for the period. (These figures must agree with the Agency Plan.) Display the total accrued expense and grant funds accrued expenses for the reporting period. Indicate difference.
- 2) Considerations -- of exceptions ----- Agencies will have an opportunity to justify reallocation of funds to carry out the services outlined in the original plan. A 45-day grace period is provided.
- 3) Lapsed funds procedures

- A) The lapsed funds procedures allow for a more effective deployment of the funds available to community programs and maintain the integrity of the regional budget process throughout the grant year. Grant awards are made to particular programs to produce needed services based upon the region's funding priorities. Since lapsed funds generally remain in the region's allocation, these priorities must be continually reviewed during the year as lapsed funds become available. Therefore, budget development and funding

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decisions become more of a continuing process rather than a once-a-year event.

- B) Each agency will file its completed periodic operating revenue expense report with the region by the 15th day of the month following the close of the period. The completed bottom portion indicates the status of expenses -- allocation -- by program -- if the Department expenses are less than the approved allocation level, the agency is to indicate, in writing, one of the following options:

6) Request for Department reallocation of funds

- i) Under expenses -- of -- less than -- \$500 -- to -- any Department funded program -- As a part of the periodic operating revenue expense report, the agency shall certify in writing that funds reallocated to a subsequent period will be expended in accordance with the approved Agency Plan on file with the Department.

- ii) Under expenses -- of -- \$500 -- or -- more -- in -- any Department funded program -- As a part of the periodic operating revenue expense report, the agency shall submit an explanation of the under expenses, and a justification to support the reallocation of funds to a subsequent period.

- iii) The region will review the agency's reasons for requesting the retention of the funds -- if the reasons meet the Department and region funding priorities -- and the agency is capable of appropriately utilizing the lapsed funds, the region shall approve the allocation and it shall so inform the agency and shall work with the agency in the development of any required documentation.

- iv) If the region does not approve the reallocation, it shall inform the agency of this decision and send it a Notice of Lapse Addendum as soon as possible, but not later than 45 days after the request made by the community agency. The Agency Plan does not have to be revised solely because funds are lapsed. However, if the Plan is revised

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for---another---reason;---the---revision---should
accurately indicate past financial performance.

4) Agreement to lapse

- A) Voluntary lapse ---The agency will indicate in writing that no plan to utilize the underexpenses of funds exists and the grant award may be reduced accordingly.
- B) Automatic lapse --- If no justification or certification is received, the funds will be automatically lapsed.
- C) Notice of lapse --- The region will prepare and send to the agency a Notice of Lapse Addendum as soon as possible, but no later than 45 days after the close of the period.
- D) A copy of the Notice of Lapse Addendum shall be sent to the Department's Office of Management and Budget.

c) Quarterly reports

Agencies which have not demonstrated compliance with this Part and the procedures defined as follows shall be required to submit revenue and expense reports on a quarterly basis:

- 1) Agency had a permanent fiscal variance during the previous reporting period(s) as defined in Section 103.170(d)(1)(B);
- 2) Agency has not submitted an acceptable CPA audit for the prior fiscal year, if applicable;
- 3) Agency is currently under suspension for failure to comply with this Part;
- 4) Agency did not have a region approved Agency Plan form on file for the current fiscal year;

5) There is an indication of a material weakness in the agency's operation or internal control identified in an audit or there is noncompliance with the Agency Plan as identified in a region site visit.

(Source: Repealed at 17 Ill. Reg. 10282, effective July 1, 1993)

Section 103.210 Reallocation and lapsed funds

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a) Reallocation of funds

Agencies may transfer funds between programs within the agency plan guidelines distributed by the Department. Agencies desiring to reallocate funds in excess of agency plan guidelines must request this reallocation in writing prior to the expiration of the grant agreement. Authorization to transfer these funds within the agency plan guidelines distributed by the Department will be allowable, with justification, unless the Department indicates to the contrary within 30 days after notification. The agency must request this reallocation by registered mail prior to the end of the fiscal year.

b) Lapsed funds

At the expiration of the grant agreement, Department funds not expended as outlined in the effective agency plan are considered lapsed. These lapsed funds should be calculated by comparing the operating expenses to the budget using the following method:

- 1) Department funds allocated to a given program must be spent within a given program. The total accrued expense of Department reimbursable items must be compared with the total grant dollars allocated to the program. If the total Department reimbursable expenses are greater than the grant allocation, by program, there is no lapse. If the grant allocation is greater than the total Department reimbursable expense, by program, then the difference is the amount of the lapse, and the amount for which the Department may seek reimbursement.

2) Notice of lapse - The Department shall prepare and send to the agency a notice of lapse as soon as possible after submission of the agency's independent audit.

c) Agreement to lapse

- 1) Voluntary lapse - The agency may indicate in writing that no plan to use the underexpenses of funds prior to the expiration of the grant agreement exists, and the grant award may be reduced accordingly.
- 2) Automatic lapse - If no justification or certification is received and approved prior to the expiration of the grant agreement, the funds will be automatically lapsed.

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d) Reconciliation of operating expenses to funds

- 1) A final reconciliation will occur with the submission of the year end certified audit report.
 - A) Overpayment of any amount over \$1.00 (allowance for rounding off) must be reimbursed to the Department.
 - B) Payment by an agency to the Department shall be as outlined in the Illinois Grant Funds Recovery Act.
 - C) The Department will recover funds through the offset of subsequent year grant or purchase of care funds. If the offset of subsequent year funding is not possible due to discontinuation of funding, the agency shall be required to satisfy grant recovery by submitting a check, draft or money order.
 - D) Any check, draft or money order shall be made payable to the Department of Mental Health and Developmental Disabilities.
- 2) Each agency shall, after being provided by the Department with notice and an opportunity for a Department hearing, repay to the Department amounts found not to have been expended in accordance with the grant agreement, the agency plan and this Part. If such repayment is not made the Department shall, after providing the agency with notice and an opportunity for a hearing, offset such amounts through any or all collection procedures provided for in the Illinois Grant Funds Recovery Act.

(Source: Added at 17 Ill. Reg. 10282, effective July 1, 1993)

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1) Heading of the Part: Activity Standards

2) Code Citation: 35 Ill. Adm. Code 1421

3) Section Numbers: Adopted Action:

- | | |
|----------|-------------|
| 1421.101 | New Section |
| 1421.110 | New Section |
| 1421.111 | New Section |
| 1421.120 | New Section |
| 1421.121 | New Section |
| 1421.130 | New Section |
| 1421.131 | New Section |
| 1421.140 | New Section |
| 1421.141 | New Section |
| 1421.142 | New Section |

1421.143 Illustration A

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1056.2 and 1027. [415 ILCS 5/56.2 and 27].

5) Effective Date of Rule: June 21, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does this Rule contain incorporations by reference? No

8) Date filed in Board's Principal Office: June 17, 1993

9) Notice of Proposal Published in Illinois Register:

December 18, 1992, 16 Ill. Reg. 19615

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

1421.121(b) The phrase "unless treated and rendered unrecognizable pursuant to 35 Ill. Adm. Code 142.126" was added after the word "Sharps".

1421.121 (f) The Board note was reworded.

1421.141 (f) The Board note was reworded.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? All changes have been made. No agreement letter was issued.

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- 13) Will this Rule replace an emergency Rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) **Summary and Purpose of Rule:**
A complete description is contained in the Board's Opinion of June 17, 1993, Docket number R91-20, which is available from the Clerk of the Pollution Control Board at the address given below. These rules, along with Parts 1420 and 1422 govern how potentially infectious medical waste is to be packaged, labelled, transferred, stored, transported and treated.
- 16) **Information and questions regarding this adopted rule shall be directed to:**
Michelle C. Dresdow
Illinois Pollution Control Board
P.O. Box 505
Dekalb, IL 60115
(815) 753-0947
- For copies of the Board's Opinion and Order document issued June 17, 1993, please refer to R91-20 and contact
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph St., Suite 11-500
Chicago IL 60601
(312) 815-6931

The full text of the Adopted Rule begins on the next page:

POLLUTION CONTROL BOARD

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- TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE M: BIOLOGICAL MATERIALS
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: POTENTIALLY INFECTIOUS MEDICAL WASTES

PART 1421

ACTIVITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
1421.101 Compliance Dates

SUBPART B: SEGREGATION

Section
1421.110 Scope and Applicability
1421.111 Standards and Criteria

SUBPART C: PACKAGING

Section
1421.120 Scope and Applicability
1421.121 Standards and Criteria

SUBPART D: LABELING AND MARKING

Section
1421.130 Scope and Applicability
1421.131 Standards and Criteria

SUBPART E: TRANSPORTATION

Section
1421.140 Scope and Applicability
1421.141 Standards and Criteria

ILLUSTRATION A International Biohazard Symbol

AUTHORITY: Implementing and authorized by Sections 56.2 and 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1056.2 and 1027) [415 ILCS 5/56.2 and 27].

SOURCE: Adopted in R91-20, at 17 Ill. Reg. 10392, effective June 21, 1993.

NOTE: Capitalization denotes statutory language.

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SUBPART A: GENERAL PROVISIONS

Section 1421.101 Compliance Dates

Persons subject to this Part shall comply with its standards and criteria by _____, 1993 (effective date).

SUBPART B: SEGREGATION

Section 1421.110 Scope and Applicability

This Subpart applies to persons who generate or transport PIMW, and to owners or operators of PIMW storage sites, transfer stations and treatment facilities.

Section 1421.111 Standards and Criteria

a) Generators shall segregate PIMW as follows:

- 1) Sharps,
 - 2) Oversized PIMW, and
 - 3) All other.
- b) PIMW mixed with other waste is regulated under this Subtitle as PIMW and the mixture is not exempt from any other applicable regulations.

c) This Section does not prohibit the placing of previously segregated and properly packaged (in accordance with Subpart C of this Part) sharps with other waste, provided the mixture is managed in accordance with subsection (b) of this Section.

SUBPART C: PACKAGING

Section 1421.120 Scope and Applicability

This Subpart applies to persons who package PIMW for off-site transportation.

Section 1421.121 Standards and Criteria

a) PIMW, except for oversized PIMW, must be placed in a container, or a combination of containers. Such container must be:

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1) RIGID;

2) LEAK-RESISTANT;

3) IMPERVIOUS TO MOISTURE;

4) OF A STRENGTH SUFFICIENT TO PREVENT TEARING OR BURSTING UNDER NORMAL CONDITIONS OF USE AND HANDLING; AND

5) SEALED TO PREVENT LEAKAGE DURING TRANSPORT.
(Section 56.1(b)(2)(A))

b) Sharps unless treated and rendered unrecognizable pursuant to 35 Ill. Adm. Code 1422.126, must be packaged in a container, or a combination of containers, that is puncture-resistant and meets the requirements of subsection (a) of this Section.

c) Oversized PIMW must be covered or packaged in a manner that minimizes contact with transport workers and the public. Sharps must not be packaged with oversized PIMW in the same container.

d) If the outside of a container is contaminated by PIMW, a person shall place the container inside another container, or clean and disinfect the container in accordance with 35 Ill. Adm. Code 1420.107 of this Subtitle. In either case, the container or combination of containers must meet applicable requirements of subsections (a) or (b) of this Section.

e) Once a reusable container has been cleaned and disinfected in accordance with 35 Ill. Adm. Code 1420.107 of this Subtitle, it can be used for only waste. If a reusable container is not or cannot be cleaned and disinfected in accordance with Section 1420.107 of this Subtitle, it must be regulated as PIMW pursuant to this Subtitle.

f) Residues from cleaning a PIMW container, or discharges from PIMW packages, are regulated under this Subtitle, except when discharged directly into a sanitary or combined sewer in accordance with 35 Ill. Adm. Code Subtitle C.

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BOARD NOTE: Interested persons should note that discharges to sewer systems can also be regulated by units of local government.

B) The transporter's permit number,

units of local government.

C) The transporter's address,

SUBPART D: LABELING AND MARKING

D) The transporter's phone number (a 24-hour phone number, if available), and

Section 1421.130 Scope and Applicability

E) For each PIMW package, the shipment date when PIMW initially left the generator's site; or for each shipment, a unique identification number which directly corresponds to the initial date of shipment.

This Subpart applies to persons who package PIMW for off-site transportation or who accept packages of PIMW from off-site.

Section 1421.131 Standards and Criteria

a) The exterior of the outer package must be marked as follows prior to shipment:

b) Except for subsection (c) of this Section, inner packages must be marked as described in subsection (a) (1) (A) (i) of this Section.

1) The generator shall:

A) Mark on two opposite sides of the outer package in lettering that is readable at a minimum distance of five (5) feet:

c) If a sharps container is packaged within an outer container, the inner sharps container must be marked with indelible ink in lettering that is legible as follows:

i) The International Biohazard Symbol as shown in Illustration A of this Part and the word "Biohazard"; and

1) The International Biohazard Symbol as shown in Illustration A of this Part and the word "Biohazard"; and

ii) The word "sharps", if the package contains sharps.

2) The word "sharps".

B) Mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package:

d) Containers which are not the inner or outer containers are exempt from the labeling requirements in subsection (a) of this Section. Packages may be placed in a transparent container provided that all required markings are legible through the transparent container. A non-rigid transparent container cannot be used as an outer container.

i) The generator's name,

ii) The generator's address, and

e) For oversized PIMW, the following requirements must be met prior to shipment:

iii) The generator's phone number (a 24-hour phone number, if available).

1) The generator shall:

2) The transporter shall mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package:

A) Mark on one side of the outer package in lettering that is readable at a minimum distance of five (5) feet the International Biohazard Symbol as shown in Illustration A of this Part and the word "Biohazard".

A) The transporter's name,

POLLUTION CONTROL BOARD

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B) Mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package:

- i) The generator's name,
- ii) The generator's address, and
- iii) The generator's phone number (a 24-hour phone number, if available).

2) The transporter shall mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package:

- A) The transporter's name,
- B) The transporter's permit number,
- C) The transporter's address,
- D) The transporter's phone number (a 24-hour phone number, if available), and
- E) For each PIMW package, the shipment date when PIMW initially left the generator's site; or for each shipment, a unique identification number which directly corresponds to the initial date of shipment.

f) When PIMW is transported by more than one transporter, each transporter shall mark with indelible ink in lettering that is legible on a water-resistant label or tag securely attached to or marked on the outer package the information listed in subsection (a)(2) of this Section. The label, tag or mark must not obscure any previous information on the package.

SUBPART E: TRANSPORTATION

Section 1421.140 Scope and Applicability

This Subpart applies to persons who transport PIMW and are required to have a PIMW hauling permit in accordance with 35 Ill. Adm. Code 1420.105 of this Subtitle.

POLLUTION CONTROL BOARD

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Section 1421.141 Standards and Criteria

a) PIMW must be transported under conditions to minimize the effects of putrescence.

b) Packages of PIMW must be transported only in enclosed compartments of vehicles that are secured against public access when unattended. This requirement does not apply to oversized PIMW, which must be handled in a manner that minimizes contact with transport workers and the public.

c) Vehicles and associated storage compartments, doors, piping and valving must be:

- 1) Cleaned of visible PIMW contamination after each use; and
- 2) In good repair when transporting PIMW.

d) PIMW must be transported in a manner that prevents a breeding place or food source for vectors.

e) During transport, a PIMW package must not be compacted or subjected to stress that compromises the integrity of the container.

f) Residues from the cleaning of vehicles contaminated by PIMW are regulated under this Subtitle, except when discharged directly into a sanitary or combined sewer in accordance with 35 Ill. Adm. Code: Subtitle C.

BOARD NOTE: Interested persons should note that discharges to sewer systems can also be regulated by units of local government.

g) Vehicles transporting PIMW must display information in accordance with the PIMW hauling permit.

h) The transporter shall develop and keep an emergency response plan in the vehicle. This plan must identify the names and telephone numbers of State and local authorities who must be contacted in the event of an emergency or discharge. In the event of an emergency or discharge of PIMW, the transporter shall take immediate action in accordance with the emergency response plan to protect the health and safety of the public and the environment. In addition, each vehicle

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NOTICE OF ADOPTED RULES

transporting PIMW must carry all equipment necessary to provide a response.

- i) Vehicles transporting PIMW must not be used for the hauling of non-waste materials, with the exception of equipment and supplies intended for the use of waste management, including scales, bar coding equipment, printers, stampers, manifests, logs, dollies, load locks, conveyers, material handling equipment, plastic containers, corrugated boxes, plastic bags, tape, spill kits, new PIMW containers or PIMW containers that have been cleaned and disinfected in accordance with 35 Ill. Adm. Code 1420.107 of this Subtitle.
- j) PIMW must not be in transport for more than ten (10) calendar days.
- k) This Subpart does not apply to the United States Postal Service.
- l) COMMENCING MARCH 31, 1993, AND ANNUALLY THEREAFTER, EACH TRANSPORTER OF PIMW REQUIRED TO HAVE A PERMIT UNDER SUBSECTION (f) OF SECTION 56.1 OF THE ACT SHALL FILE A REPORT WITH THE AGENCY SPECIFYING THE QUANTITIES AND DISPOSITION OF PIMW TRANSPORTED DURING THE PREVIOUS CALENDAR YEAR. SUCH REPORTS SHALL BE ON FORMS PRESCRIBED AND PROVIDED BY THE AGENCY. (Section 56.3 of the Act)

Section 1421. Illustration A International Biohazard Symbol



DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: Adopted Action:
120.61 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 IUCS 5/12-13]
- 5) Effective Date of Amendments: June 28, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 28, 1993
- 9) Notice of Proposal Published in Illinois Register:
February 19, 1993 (17 Ill. Reg. 2114)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: As a result of Public Law 102-568, these proposed amendments allow for the use of a \$90 monthly income disregard for veterans surviving spouses residing in long term care facilities. In order to receive the \$90 income disregard, the surviving spouse must receive reduced monthly veterans benefits in the amount of \$90 and not have a dependent child. This income disregard prohibits the \$90 per month in veterans benefits from being applied toward the cost of the surviving spouse's nursing home care.

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- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umuna
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER 11: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
 MEDICAL ASSISTANCE PROGRAMS
 SUBPART A: GENERAL PROVISIONS

Section
 120.1

Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
 120.10
 120.11

Eligibility For Medical Assistance
 Eligibility For Medical Assistance For Pregnant Women and Children
 Born October 1, 1983, or Later Who Do Not Qualify As Mandatory
 Categorically Needy

Healthy Start - Medicaid Presumptive Eligibility Program For

120.12
 120.20
 120.30
 120.31
 120.40
 120.50

Pregnant Women
 MANG(AMB) Income Standard
 MANG(N) Income Standard
 MANG(P) Income Standard
 Exceptions To Use Of MANG Income Standard
 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
 120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care,
 DMHDD, Approved Community Based Settings and Pregnant Women
 and Children Born October 1, 1983, or Later Who Do Not Qualify As
 Mandatory Categorically Needy

120.61
 120.62

Cases In Intermediate Care, Skilled Nursing Care and DMHDD -
 MANG(AMB) and All Other Licensed Medical Facilities
 Department of Mental Health and Developmental Disabilities (DMHDD)
 Approved Home and Community Based Residential Settings Under 89
 Ill. Adm. Code 140.93

120.63
 120.64
 120.65

Department of Mental Health and Developmental Disabilities (DMHDD)
 Approved Home and Community Based Residential Settings
 Pregnant Women and Children Born October 1, 1983, or Later Who Do
 Not Qualify As Mandatory Categorically Needy
 Department of Mental Health and Developmental Disabilities (DMHDD)
 Licensed Community - Integrated Living Arrangements

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SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
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Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
Eligibility for Medicaid Payment of Medicare Part B Premiums as a Qualified Low-Income Medicare Beneficiary (SLIB)
Qualified Medicare Beneficiary (QMB) Income Standard
Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80

Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90
120.91

Migrant Medical Program
Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
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120.208
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Elimination Of Aid To The Medically Indigent
Client Cooperation (Repealed)
Citizenship (Repealed)
Residence (Repealed)
Age (Repealed)
Relationship (Repealed)
Living Arrangement (Repealed)
Supplemental Payments (Repealed)
Institutional Status (Repealed)
Foster Care Program (Repealed)
Social Security Numbers (Repealed)
Unearned Income (Repealed)
Exempt Unearned Income (Repealed)
Education Benefits (Repealed)
Unearned Income In-Kind (Repealed)
Lump Sum Payments (Repealed)
Earnmarked Income (Repealed)
Protected Income (Repealed)
Earnmarked Income (Repealed)
Budgeting Earned Income (Repealed)
Exempt Earned Income (Repealed)
Recognized Employment Expenses (Repealed)

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Income From Work/Study/Training Program (Repealed)
Earned Income From Self-Employment (Repealed)
Earned Income From Roomer and Boarder (Repealed)
Earned Income In-Kind (Repealed)
Payments from the Illinois Department of Children and Family Services (Repealed)
Assets (Repealed)
Exempt Assets (Repealed)
Asset Disregards (Repealed)
Deferral of Consideration of Assets (Repealed)
Spend-down of Assets (AMI) (Repealed)
Property Transfers (Repealed)
Persons Who May Be Included in the Assistance Unit (Repealed)
Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
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Client Cooperation
Caretaker Relative
Citizenship
Residence
Age
Blind
Disabled
Relationship
Living Arrangements
Supplemental Payments
Institutional Status
Assignment of Rights to Medical Support and Collection of Payment
Cooperation in Establishing Paternity and Obtaining Medical Support
Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
Suspension of Paternity Establishment and Obtaining Medical Support
Upon Finding Good Cause
Foster Care Program
Social Security Numbers
Unearned Income
Budgeting Unearned Income
Exempt Unearned Income
Education Benefits
Incentive Allowance
Unearned Income In-Kind
Court Ordered Child Support Payments of Parent/Step-Parent
Earnmarked Income
Medicaid Qualifying Trusts

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NOTICE OF ADOPTED AMENDMENTS

Lump Sum Payments and Income Tax Refunds
 120.350 Protected Income
 120.355 Earned Income
 120.360 Budgeting Earned Income
 120.361 Exempt Earned Income
 120.362 Exempt Earned Income
 120.364 Exclusion From Earned Income Exemption
 120.366 Recognized Employment Expenses
 120.370 Income From Work/Study/Training Programs
 120.371 Earned Income From Self-Employment
 120.372 Earned Income From Roomer and Boarder
 120.373 Earned Income in Kind
 120.375 Payments from the Illinois Department of Children and Family Services
 120.376 Assessment of Assets
 120.379 Assets
 120.380 Exempt Assets
 120.381 Asset Disregard
 120.382 Deferral of Consideration of Assets
 120.383 Spend-down of Assets (MANG)
 120.384 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
 120.385
 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989
 120.390 Persons Who May Be Included in the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
 120.395 Payment Levels for MANG
 120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3-1 et seq., 5/4-1 et seq., 5/5-1 et seq., 5/6-1 et seq., 5/7-1 et seq. and 5/12-13]

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 31, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency

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NOTICE OF ADOPTED AMENDMENTS

amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 8115, effective June 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no

substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13378, effective July 16, 1984; amended (by adding sections being confined to no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18003, effective September 26, 1984; paratutory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 23053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985; a maximum of 150 days; amended at 9 Ill. Reg. 4315, effective March 25, 1985; amended at 9 Ill. Reg. 5366, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 23, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 13903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16006, effective October 16, 1985; amended at 10 Ill. Reg. 1132, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10088, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3902, effective February 23, 1987; amended at 11 Ill. Reg. 652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987; for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20896, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 8234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 11839, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 12835, effective July 22, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at

14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5639, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; emergency amendment at 15 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 119, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD
- WANG (AABD) and All Other Licensed Medical Facilities

- a) The policy set forth in subsections (b), (c), (d) and (e) below applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, or Department of Mental Health and Developmental Disabilities (DMHDD) Facilities. The policy set forth in subsection (f) below applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and all other Licensed Medical Facilities (see 89 Ill. Adm. Code 140.642).
- b) Treatment of Resources
 - 1) A one-month eligibility period will be used. All nonexempt income and non-exempt assets over the applicable asset disregard (Section 120.382) shall be applied towards the cost of care on a monthly basis. Non-exempt income (see Section 120.360) and assets (see 120.381) are applied towards the cost of care beginning with the first full calendar month of anticipated stay in the facility. Non-exempt income shall be applied toward the cost of care first. If insufficient to meet the cost of care at

Section 120.61(b)(1) (continued)

the private pay rate, then non-exempt assets over the applicable asset disregard shall be used.

- 2) When a client transfers between non-DWIDD facilities or transfers to a DWIDD facility, non-exempt income and/or excess assets are applied first toward the cost of care at the first facility and any balance is applied toward the cost of care at the second facility. If the client transfers from a DWIDD facility to a non-DWIDD facility, non-exempt income and/or excess assets are not applied toward the cost of care at the non-DWIDD facility for the month the transfer occurs. If the client is discharged from a DWIDD facility or to a community based to his/her residence in the community or to a community based residential setting (such as Community Living Facility, Special Home Placement, Supported Living Arrangement, Home Individual Program, Community Residential Alternatives as defined at 59 Ill. Adm. Code 120.10), the MANG Community Income Standard is used (see Section 120.20) beginning with the month of discharge from the DWIDD facility or non-DWIDD.
- 3) If non-exempt income and non-exempt assets over the applicable asset disregard are greater than the Department's rate for cost of care, no payment will be made to the facility. However, the client may become eligible for Medical Assistance for other medical expenses by incurring medical expenses equal to the spend-down obligation. The private rate of the facility may be applied to the spend-down obligation in this instance. A full redetermination shall be made every twelve (12) months.
- c) Allow a deduction from the MANG client's income to meet the needs of dependent children under age 21 who do not reside with the community spouse, who do not have enough income to meet their needs and whose assets do not exceed the asset limit. To determine needs and asset limits:
 - 1) for dependent children, use AFDC MAG standard and asset disregard (see Sections 120.30 and 120.382).
 - 2) allow any payments made on medical bills for the children.
- d) Allow deductions from the MANG clients non-SSI income for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who does not have enough income to meet his/her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or

Section 120.61(d) (continued)

dependent siblings of either spouse who are living with the community spouse. To determine the amount of the deduction:

- 1) The deduction for the Community Spouse Maintenance Needs Allowance, as of October 1, 1989, is equal to the community spouse maintenance needs standard (\$1,500) less any non-exempt monthly income of the community spouse. The amount established as the community spouse maintenance needs standard shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The deduction is allowed only to the extent income of the institutionalized spouse is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing.
- 2) The deduction for the Family Maintenance Needs Allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard (122% of the Federal Poverty Level for two persons as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992) and any non-exempt income of the family member.
- e) Allow a \$90.00 per month income disregard for veterans residing who have neither spouse nor dependent child, or surviving spouses who do not have a dependent child, who reside in long term care facilities and who receive reduced monthly veterans benefits in the amount of \$90.00 and who do not have a spouse or dependent child. Veterans Persons allowed the \$90.00 per month income disregard are not also permitted the \$30.00 per month personal allowance (see Section 120.40).
- f) Deduction from MANG program
 - 1) A deduction from the MANG program participant's income shall be permitted for up to six months to maintain a residence in the community when:
 - A) the individual does not have a spouse and/or dependent children in the home; and
 - B) a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months.

DEPARTMENT OF PUBLIC AID
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Section 120.61(f) (continued)

- 2) To determine the amount of the deduction include:
- A) rent or property expense that would be allowed in the AABD MAG standard if the individual was at home; and
 - B) utility expenses that would be allowed in the AABD MAG standard if the individual was at home.

(Source: Amended at 17 Ill. Reg. 10402, effective June 28, 1993)

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1) Heading of the Part: Rulemaking

2) Code Citation: 1 Ill. Adm. Code 100

3) Section Numbers: Adopted Action:

100.100	Amended
100.110	Amended
100.120	Amended
100.130	Amended
100.140	Amended
100.150	Amended
100.160	Amended
100.180	Amended
100.200	Amended
100.210	Amended
100.220	Amended
100.230	Amended
100.240	Amended
100.250	New Section
100.260	Amended
100.270	Amended
100.280	Amended
100.300	Amended
100.310	Amended
100.320	Amended
100.330	Amended
100.335	Amended
100.340	Amended
100.345	Amended
100.350	Amended
100.360	Amended
100.380	Amended
100.385	Amended
100.390	Amended
100.400	Amended
100.410	Amended
100.415	Amended
100.420	Amended
100.430	Amended
100.440	Amended
100.450	Amended
100.500	Amended
100.510	Amended
100.530	Amended
100.540	Amended
100.545	Amended
100.550	Amended

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- 100.600 Amended
 100.610 Amended
 100.620 Amended
 100.640 Amended
 100.650 Amended
 100.660 Amended
 100.700 Amended
 100.710 Amended
 100.740 Amended
 100.800 Amended
 100.810 Amended
 100.820 Amended
 100.900 Amended
 100.910 Amended
 100.920 Amended
 100.1000 Amended
 100.1010 Amended
 100.1020 Amended
 100.1030 Amended
 100.1100 Amended
 100.1110 Amended
 100.1150 Amended
 100.1160 New Section
 100.1200 Amended
 100.1210 Amended
 100. Appendix A
 Illustration A Amended
 100. Appendix B
 Illustration G New Section
 Illustration H New Section
 Illustration I New Section
 100. Appendix D
 Illustration A Amended
 100. Appendix E
 Illustration C Amended
 Illustration D Amended
 Illustration F Amended
 Illustration G New Section

4) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars 1001-1 et seq.) [5 ILCS 100/1-1 et seq].

5) Effective Date of Amendments: July 1, 1993

6) Does this Rulemaking contain an automatic repeal date? No

7) Does this Amendment contain any incorporations by reference?

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- No
 8) Date filed in agency's principal office: June 23, 1993
 9) Notice of proposal published in Illinois Register: 17 Ill. Reg. 2867, March 5, 1993
 10) Has JCAR issued a statement of objections to this rule? No
 11) Difference(s) between proposal and final version:
1. 100.110 "Illinois Compiled Statutes": "as amended by" is changed to "see."
 2. 100.110 "Illinois Revised Statutes": Reference to a specific publisher is now omitted.
 3. 100.110 "JCAR": The definition has been expanded to "legislative support services agency," as in 5-90 of the IAPA.
 4. 100.110 "Statutory Citation": "Annotated Statutes" is now lower case.
 5. 100.200(b): "approved documents" is changed to "documents meeting publication requirements."
 6. 100.210(k)(2): "Recommendation" was added before "Objection."
 7. 100.220(a)(6): "shall submit" is changed to "may submit."
 8. 100.250(a): "shall be forwarded" is changed to "may be forwarded."
 9. 100.250(b): "shall then submit" is changed to "may then submit."
 10. 100.335(b): "and:" is retained, and in (1) and (2), "as shown in" is stricken.
 11. 100.340(j): "includes shortened forms for referring to names of Public Acts and Public Laws but" is stricken.
 12. 100.350(b)(3): "Rather" is stricken, and "shall" and "can" are replaced by "should" to read "References to the forms within the text of the Part should be by form number or heading and should be incorporated into an Exhibit for explanatory reasons only." The following sentence "These forms shall be available from the agency and are not considered part of the rule" is deleted.
 13. 100.410(b): "its" is stricken.
 14. 100.415(a)(2)(A): "of" is added after "rulemaking."
 15. 100.415(a)(3): "shall" is changed to "may," and "Analysis" is deleted for consistency with later references.
 16. 100.510(c): "does" is changed to "will."
 17. 100.545(a)(6): "Changes listed in the agreement letter

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- from JCAR have been made" is deleted, and (a) (7) remains (a) (6).
18. 100.550(b): "The agency shall, prior to submitting..." is changed to "should."
19. 100.660: The second sentence now reads "If time requires, however, the emergency rule may be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part." "Appropriate corrections" is unstricken, and "required changes" is deleted. "These codification changes shall affect neither the validity of the rule nor its effective date" is unstricken. In the 5th sentence, "be published" is substituted for "take effect."
20. 100.740: The second sentence now reads "If time requires, however, a peremptory rule will be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the publication requirements of this Part." In the third sentence, "corrections" is unstricken and "the required changes" is deleted.
21. 100.800(a) (5) is deleted.
22. 100.810: first sentence, "shall" is changed to "may."
23. 100.1160: "shall" is changed to "may."

Other grammatical and nonsubstantive word changes were agreed to.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part: No

- 15) Summary and purpose of amendments: These amendments respond to recent changes in the Illinois Administrative Procedure Act (IAPA) by the addition of an expedited corrections Section, including Illustrations. A definition of "agreements" was added. New requirements for agencies include a change in the filing deadline from Tuesday at 4:30 p.m. to Tuesday at 12:00 p.m.; agencies with available technology may submit an ASCII disc to load onto the database to ensure accuracy; only one "definitions" section is permitted per Part; and agencies must adopt rules for the location of incorporation by reference materials. New requirements are not imposed on the Department of Commerce and Community Affairs, but their current

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procedures on regulatory flexibility are added. Statutory references are updated and numerous non-substantive corrections are made.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Carol Sudman
Administrative Code Division
288 Howlett Building
Springfield, IL 62756

The full text of the amendments begins on the next page:

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TITLE 1: RULES AND RULEMAKING GENERAL PROVISIONS
CHAPTER I: SECRETARY OF STATEPART 100
RULEMAKING

SUBPART A: DEFINITIONS AND CODIFICATION

Section	<u>Codification</u> Rulemaking Compliance
100.100	Definitions
100.110	Agencies Covered
100.120	Illinois Administrative Code Organization
100.130	Code Outline
100.140	Notice of Codification Changes
100.150	Deletion or Transfer of Rules
100.160	Re-using Part or Section Numbers (Renumbered)
100.170	Style Manual
100.180	

SUBPART B: ILLINOIS REGISTER

Section	Publication Schedule and Deadline
100.200	Contents
100.210	Publication Requirements
100.220	Cover Letter
100.225	Publication of Materials Incorporated by Reference
100.230	Publications of Corrections
100.240	Expedited Corrections
100.250	Indexes
100.260	Illinois Register Availability
100.270	Fees
100.280	Uncodified Rules (Repealed)
100.290	

SUBPART C: RULE DRAFTING REQUIREMENTS

Section	Headings
100.300	Table of Contents
100.310	Re-using Part or Section Numbers
100.320	Authority Note
100.330	Source Notes
100.335	Automatic Repeal of Rules
100.340	Text of the Part; Subsections
100.345	Renumbering Sections within a Part
100.350	Supplementary Material
100.360	Proper Format
100.370	Citation of Codified Rules

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100.380	Statutory Language and Statutory Citations
100.385	Incorporation by Reference; Citation of Referenced Material
100.390	Footnotes; Agency Notes; Editor's Notes

SUBPART D: PROPOSED RULES

Section	Required Notice Periods
100.400	Notice of Proposed Rules
100.410	Other Statutory Requirements for Rulemaking
100.415	Text of Proposed Rules
100.420	Notice of Corrections
100.430	Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule
100.440	Requirements for Submitting Materials for Register Publication
100.445	Administrative Code Division Review of Proposed Rules
100.450	

SUBPART E: ADOPTED RULES

Section	Requirements for Filing
100.500	Other Documents Required for Filing Adopted Rules
100.510	Requirements for Illinois Register Publication
100.520	Notice of Adopted Rules
100.530	Text of Adopted Rules
100.540	Code Division Review of Adopted Rules
100.545	Certificate of Review and Approval
100.550	

SUBPART F: EMERGENCY RULES

Section	Filing; Agency Certification
100.600	Notice of Emergency Rules
100.610	Text of Emergency Rules
100.620	File Copy of Emergency Rules
100.630	Effectiveness
100.640	Adoption as a Permanent Rule
100.650	Code Division Review of Emergency Rules
100.655	Certificate of Review and Approval
100.660	Modification of an Emergency Rule
100.670	Repeal of an Emergency Rule
100.680	

SUBPART G: PEREMPTORY RULES

Section	Submission; Agency Certification
100.700	

NOTICE OF ADOPTED AMENDMENTS

Notice of Peremptory Rules
Text of Peremptory Rules
File Copy of Peremptory Rules
Code Division Review of Peremptory Rules
Certificate of Review and Approval

SUBPART H: INTERNAL RULES

Requirements

SUBPART I: PROHIBITED FILLING

Certified Statements from Joint Committee on Administrative Rules
Prohibition of the Filing of Rules
Continuation of Prohibition

SUBPART J: PUBLIC INSPECTION AND COPYING

Certified Rules; Inspection
Photocopies and Fees
Illinois Administrative Code
State Property

SUBPART K: MISCELLANEOUS

- Recodification of Rules
- Code Division of Recodification
- Code Division Review of Recodified Rules
- Code Division Review and Approval
- Format for Register Publication for Notices of the Joint Committee on Administrative Rules
- Code Division Review of Other Notices and Materials Submitted for Register Publication
- Regulatory Agenda
- Regulatory Flexibility Notice

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section	Availability
100.1200	

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100.1210 Fees

APPENDIX A Proposed Rules

ILLUSTRATION A Notice of Withdrawal of Proposed Rules
ILLUSTRATION B Notice of Modification, Withdrawal or
ILLUSTRATION C Refusal in Response to an Objection by the
Joint Committee on Administrative Rules
ILLUSTRATION D Notice of Corrections to Proposed Rules
ILLUSTRATION E Notice of Public Hearing on Proposed Rules
ILLUSTRATION F Notice of Corrections to Proposed Rules
(Renumbered)

DIX B Adopted Rules
ILLUSTRATION A Notice of Adopted Rules
ILLUSTRATION B Text of Adopted Rules (Repealed)
ILLUSTRATION C Agency Certification
ILLUSTRATION D Format for Filing Codified Rules
ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules
ILLUSTRATION F Notice of Corrections to Adopted Rules
ILLUSTRATION G Request for Expedited Correction
ILLUSTRATION H Refusal to Certify Expedited Correction
ILLUSTRATION I Notice of Expedited Correction

DIX C	Emergency Rules
ILLUSTRATION A	Notice of Emergency Rules
ILLUSTRATION B	Text of Emergency Rules (Repealed)
ILLUSTRATION C	Agency Certification of Emergency Rules
ILLUSTRATION D	Notice of Modification to Emergency Rules
DIX D	Peremptory Rules
ILLUSTRATION A	Notice of Peremptory Rules
ILLUSTRATION B	Text of Peremptory Rules (Repealed)
ILLUSTRATION C	Agency Certification of Peremptory Rules
ILLUSTRATION D	Notice of Automatic Repeal of Peremptory Rules

Rules
 Miscellaneous
 PIX E

ILLUSTRATION A	Not
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ILLUSTRATION B	Notice of Corrections to Notice Only
ILLUSTRATION C	Certificate of Review and Approval
ILLUSTRATION D	Notice of Codification Changes
ILLUSTRATION E	Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules
ILLUSTRATION F	Regulatory Agenda
ILLUSTRATION G	Regulatory Flexibility Notice

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act (Ill. Rev. Stat. ~~1989~~ 1991, ch. 127, pars. ~~1001~~ par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.].

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SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12488, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985; emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986; amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill. Reg. 10414, effective July 1, 1993.

SUBPART A: DEFINITIONS AND CODIFICATION

Section 100.100 Codification Rulemaking Compliance

This Part describes the procedures involved in promulgating rules in codified form, including both Illinois Register publication and filing requirements. All rules filed with the Administrative Code Division must be in compliance with the codification rulemaking system described within this Part pursuant to Section 7 Article 5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989 1991, ch. 127, par. 4067 1005-1 et seq.). 15 ILCS 100/51

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.110 Definitions

The following definitions shall apply to this Part:

"Act": The Illinois Administrative Procedure Act, as amended (Ill. Rev. Stat. 1989 1991, ch. 127, pars. 4061 1001-1 et seq., as amended) [5 ILCS 100/1-1 et seq.]. Also referred to as the IAPA.

"Administrative Code Division": A division of the Index Department of the Office of Secretary of State which coordinates the codification process, maintains the official file of rules of the state's agencies, and publishes the Illinois Register and the Illinois Administrative Code. (Also referred to as "Code Division".)

"Agreement": All changes made by agreement between an agency and the Joint Committee on Administrative Rules during the second notice period.

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"Amendment": A change to a Section including added language, deleted language and/or renumbering. A Part is also amended by the addition or repeal of a Section.

"Appendix": Supplementary material to the Part such as diagrams, charts, maps, and explanatory information. Such material appears at the end of the Part and is labeled with capital letters. A maximum of 10 Appendices, Tables, Exhibits or Illustrations may be used per Part. The use of such material is discouraged and should be used only when absolutely necessary. Exhibits, Illustrations, and Tables may also appear as subsections of one another.

"Authority": The right or power to promulgate rules. Such authority usually appears in the Illinois Revised Statutes or in an Executive Order of the Governor. (See Section 100.320)

"Authority Note": The paragraph appearing after a Part's table of contents which cites the statutes or Public Acts which the Part is implementing, and the statutes that which give the agency the authority to promulgate rules. (See Section 100.320)

"Camera-Ready Copy": A clear, legible, original document which is clear and legible when reproduced, even when reduced by 50% in reproduction. A document is camera-ready when it is clearly typed or produced on word processing or computer equipment in solid black ink on one side of a 8 1/2 by 11 inch sheet of white paper (uncoded stock). Neither dot matrix type nor photocopies are considered to be camera-ready. Uncoded stock means that bond paper with a visible watermark (when the paper is held up to the light) shall not be used.

"Certificate of Expedited Correction": The certificate issued by the Joint Committee on Administrative Rules to the Administrative Code Division certifying that an adopted rule has been corrected pursuant to Article 5 of the Act. (5 ILCS 100/5-85) See Appendix B, Illustration 1.

"Certificate of Review and Approval": The certificate issued to an agency for a Part, amendments to a Part, or repeal of a Part stating that the Section(s) within a Part has been reviewed by the Administrative Code Division and that the Part meets the specifications of the Illinois Administrative Procedure Act. (The

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Certificate is filed in the Code Division with the adopted rules.) (See Section 100.550 and 100.Appendix E, Illustration C)

"CFR": The abbreviation used to designate the Code of Federal Regulations, the publication containing the rules of federal agencies and which is updated by the Federal Register (FR).

"Chapter": A division of the Illinois Administrative Code. Each Chapter within the Code designates a state agency.

"Code": The Illinois Administrative Code. (Abbreviated abbreviated "Ill. Adm. Code").

"Code Citation": A citation to the Illinois Administrative Code. Such citation contains the title number, the Code abbreviation (Ill. Adm. Code) and the Part or Section number and/or other unit of the Code and its label. (See Section 100.370)

"Codification": Assigning a numbering system to rules which meets the criteria set forth in the Act and this Part.

"Cover Letter": The letter which must accompany all documents submitted to the Administrative Code Division for filing and/or publication. Such letter must detail the documents which it accompanies with specific instructions for the Code Division's handling of the material (e.g., including but not limited to, whether the material is to be published in the Register, filed as adopted or reviewed by the Code Division's staff).

"Emergency Rule": A rule (or amendment or repealer) adopted without prior notice or hearing due to a situation which the agency finds constitutes a threat to the public interest, safety or welfare. Emergency rules expire 150 days after filing and may not be adopted more than once in a 24-month period except as specified in Section 5-02 5-45 of the Act. (See 1 Ill. Adm. Code 100.Subpart F)

"Expedited Correction": A correction of the text of a rule adopted by an agency and filed with the Secretary of State effectuated pursuant to Section 5-85(b) of the Act.

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"General Assembly": The Illinois Senate and the House of Representatives and their respective committees.

"Heading": The name of a division of the Code (for example, the heading for this part is "Rulemaking" (See Section 100.130 for all Code divisions); also the information which must appear at the top of each page for both Register publication (includes the Register heading, the agency name and the type of rulemaking action, (See 100.Appendix A, Illustration A) and for codified rules filed with the Administrative Code Division (includes the title, Subtitle (if applicable), Chapter, Subchapter (if applicable), Part, Subparts (if applicable), and Section numbers -- See 100.Appendix B, Illustration D). (See Section 100.300)

"Illinois Administrative Procedure Act": See "Act"

"Illinois Compiled Statutes": The laws of Illinois as codified pursuant to Section 5.04 of the Legislative Reference Bureau Act. (Ill. Rev. Stat. 1991, ch. 63, par. 29.4; see P.A. 87-1005) [25 ILCS 135/5.04] (abbreviated "ILCS")

"Illinois Register": The weekly publication which contains the rulemaking activity of the state's agencies, JCAR notices, the Governor's Executive Orders and Proclamations and other materials required by statute. (abbreviated "Ill. Reg.") Also referred to as "Register."

"Illinois Revised Statutes": The laws of Illinois as codified and published by the West Publishing Company. (abbreviated "Ill. Rev. Stat.")

"Implemented Statutes": Those sections of the laws contained in the Illinois Revised Compiled Statutes which an agency promulgates rules to supplement or further define. (See Section 100.320)

"JCAR": The abbreviation for the Joint Committee on Administrative Rules, the legislative committee support services agency responsible for reviewing current rules of the state's agencies as well as all rulemaking action.

"Label": The number or letter assigned to the divisions of the Code and to their subsections which identifies the particular Code division or subsection.

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"LIS": The abbreviation for the Legislative Information System, the agency responsible for the data processing requirements of the General Assembly.

"Main Source Note": The paragraph following the Part's authority note which traces the history of the Part. (See Section 100.330)

"Notice of Recodification": The Notice published in the Illinois Register when an existing Part's number is changed but the text remains the same, portions of a Part are renumbered, including splitting one Section into two or more Sections or combining two or more Sections into one Section, or an entire Part is renumbered without changing substantive text. (See also "Recodification")

"P.A.": The abbreviation for Public Act, a law enacted by the Illinois General Assembly.

"P.L.": The abbreviation for Public Law, a law enacted by the United States Congress.

"Part": A division of the Code; the designation for a unified set of Sections (rules) related to a single function of the agency. A maximum of four digits may be used for a Part number. ~~Parts are usually no longer than 60 pages and may be shorter.~~

"Peremptory Rule": A rule (or amendment) necessitated by federal laws, federal rules or court orders which preclude compliance with the general rulemaking requirements of the Act as specified in Section 5-03 5-50 of the Act. (See Subpart G).

"Recodification": The process of reassigning Code division labels to an existing Part while not changing substantive text. This includes the renumbering of an entire Part to a new Part number, renumbering entire Sections within a Part, splitting one Section into two or more Sections, moving part of a Section to another Section, combining two or more Sections into one Section and moving Sections (or subsections) of one Part to a different Part. (See "Notice of Recodification")

"Refusal to Certify Expedited Correction": The decision by the Joint Committee on Administrative Rules to not approve an Expedited Correction. This notice shall be published in the Register.

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"Regulatory Flexibility Analysis": An analysis of how the rule may affect small businesses, not for profit corporations or small municipalities. An agency proposing new rules or amendments, pursuant to Section 5-01(a)(4) of the Act, must include an Initial Regulatory Flexibility Analysis (see Section 5-30 of the Act) on the Notice of Proposed Rules. A Final Regulatory Flexibility Analysis must accompany the agency's submission of its proposed rules to JCAR for the second notice period, pursuant to Section 5-01(b) 5-40(c) of the Act. (See also Section 4-03 of the Act and Section 100.415(a) of this Part.)

"Renumbering": The term used when the number(s) of one or more Section(s) but not all Sections of a Part are being changed within the same Part. Renumbering involves entire Sections. (For Sections being split into two or more Sections or combined into one Section, please refer to "Recodification.") Replacement pages are required for renumbered Sections where no text remains. The order of the Sections must still remain in strict numerical order, and, if the Part has subparts, the Subparts must remain in strict alphabetical order and the Sections must remain in strict numerical order. Therefore, when more than two six Sections are being renumbered within one Part, or when Sections within subparts are renumbered into other Subparts thereby throwing off the strict alphabetical order of the Subparts or the strict numerical order of the Sections, recodification is required rather than renumbering. In this instance and for renumbering Sections of one Part to another Part or renumbering an entire Part to a new Part number, please refer to "Recodification".

"Repeal": The process of rescinding (revoking, canceling) a rule.

"Replacement Page": The page which must be filed with the Code Division when a Section has been renumbered, recodified or repealed or an entire Part has been recodified or repealed and no text remains. The table of contents page when an emergency rule or amendment has been allowed to expire without permanent adoption.

"Request for Expedited Correction": The request agency files with the Joint Committee on Administrative Rules and which the Joint Committee on Administrative Rules forwards to the Administrative Code Division.

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requesting an expedited correction for an adopted rulemaking. (See Section 5-85 of the Act)

"Rule": Each agency statement of general applicability that implements, applies or interprets policy; a Section of a Part. (See also Section 3-09 1-70 of the Act)

"Secretary of State": The Administrative Code Division, a department division of the Index Department of the Secretary of State's office.

"Section": A division of the Code; a rule which focuses on a single concept. A Section is a unit of a Part.

"Section Number": The number used to identify the Section. The Part number always precedes the decimal point in a Section number. (For example, this Section is Section 100.110.) A maximum of four digits may be used after the decimal point to identify Sections of a Part. Expansion room should be left between Section numbers for future additions to the Part.

"Section Source Note": A statement following a Section of a Part which indicates the last action (other than codification) on that Section unless that action was the original filing of the Section. (See Section 100.330)

"Short Title": A title of an Act which may should be used to identify that Act. Unless a short title is actually specified in the Act itself, a short title may not be used. Whenever a short title is referenced, it shall not appear in quotation marks.

"Source Notes": Statements containing the history of the rule including the current action. (See "Main Source Note" and "Section Source Note".)

"Statement of Statewide Policy Objectives": The statement as specified in Section 5 of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2205) [30 ILCS 805/5] and which must appear on the Notice of Proposed, Emergency or Peremptory Rules. (See Sections 100.410(a) (10), 100.415(b), 100.610(a) (11) and 100.710(a) (12) of this Part and Section 5-10-(d) 5-10(d) of the Act.)

"Statutory Citation": The citation of an Act, either state or federal, ~~or a federal rule~~ containing the

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information necessary for the reader to locate the Act in the Illinois Revised Statutes, the Illinois Compiled Statutes, the Illinois annotated statutes, the United States Code, and the United States Code Annotated. ~~For the rule in the Code of Federal Regulations or the Federal Register, the Illinois Administrative Code, or the Illinois Register.~~ Also, the citation of a state or federal rule containing the information necessary for the reader to locate the rule in the Code of Federal Regulations or the Federal Register, the Illinois Administrative Code, or the Illinois Register.

"Style Manual": The manual prepared by the Administrative Code Division which is to be used in conjunction with this Part and the IAPA and which gives examples for agencies to follow when promulgating rules in codified format. (~~See Section 100.100~~)

"Subchapter": A division of the Code; the designation for a group of related parts under a single agency (Chapter). Subchapters may correspond to organizational divisions of the agency.

"Subpart": A division of the Code; the designation used to indicate major divisions within a Part. Subparts may correspond to different groups of people affected by the Part.

"Subsection": A division of a Section. A maximum of four levels of subsections may be used. (See Section 100.340)

"Subtitle": A division of the Code; the designation for subject areas within a title which are focused on particular issues or subjects but which involve the rules of more than one agency.

"Title": A division of the Code; the designation for a broad subject area.

"U.S.C.": The abbreviation for the United States Code, the official publication containing the laws of the United States.

"U.S.C.A.": The abbreviation for the annotated edition of the United States Code.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

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Section 100.120 Agencies Covered

All agencies of the executive, judicial and legislative branches of the state government are subject to the rulemaking provisions of the RAP Act except the Governor, the General Assembly, the Supreme and Appellate courts and those agencies specifically exempted by legislation. (Please refer to Sections 2 and 3 of the RAP Act and Sections 1-3 and 1-20 of the Act.)

(Source: Amended at 17 Ill. Reg. _____, effective July 1, 1993)

Section 100.130 Illinois Administrative Code Organization

The Illinois Administrative Code is arranged by seven major divisions: Title, Subtitle, Chapter, Subchapter, Part, Subpart, and Section. (Please refer to Section 100.110 for definitions of these divisions.) There are 33 Titles within the Code, each covering a broad subject area. These Titles are listed in Section 100.140.

(Source: Amended at 17 Ill. Reg. _____, effective July 1, 1993)

Section 100.140 Codification Outline

The 33 Titles of the Code, with their applicable Subtitles, are listed below. If an agency does not know where it appears in the Code outline, it must contact the Administrative Code Division, which maintains a detailed outline including Chapters, Subchapters and Parts.

Title 1: Rules and Rulemaking General Provisions**Title 2: Governmental Organization****Subtitle A: Legislative Agencies****Subtitle B: Courts and the Judiciary****Subtitle C: Individual Constitutional Officers****Subtitle D: Code Departments****Subtitle E: Miscellaneous State Agencies****Subtitle F: Educational Agencies****Title 3: Legislature****Subtitle A: General Assembly****Subtitle B: Legislative Management Agencies****Title 4: Discrimination Procedures****Title 5: Agriculture and Animals****Title 11: Alcohol, Horse Racing, and Lottery****Subtitle A: Alcohol****Subtitle B: Horse Racing****Subtitle C: Lottery**

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Title 14: Commerce**Subtitle A: Regulation of Business****Subtitle B: Consumer Protection****Subtitle C: Economic Development****Title 17: Conservation****Title 20: Corrections, Criminal Justice, and Law****Title 23: Enforcement****Title 26: Education and Cultural Resources****Subtitle A: Education****Subtitle B: Cultural Resources****Title 29: Elections****Title 32: Emergency Services, Disasters, and Civil****Defense****Title 35: Energy****Title 38: Environmental Protection****Subtitle A: General Provisions****Subtitle B: Air Pollution****Subtitle C: Water Pollution****Subtitle D: Mine Related Water Pollution****Subtitle E: Agriculture Related Water Pollution****Subtitle F: Public Water Supplies****Subtitle G: Waste Disposal****Subtitle H: Noise****Subtitle I: Atomic Radiation****Subtitle J: Environmental Research****Subtitle K: Environmental Financing****Subtitle L: Environmental Occupations****Title 41: Financial Institutions****Title 44: Fire Protection****Title 47: Government Contracts, Procurement and Property****Management****Subtitle A: General Procurement****Subtitle B: Supplemental Procurement Rules****Subtitle C: Governmental Records****Subtitle D: Property Management****Subtitle E: Miscellaneous Provisions****Subtitle F: Community Development****Title 50: Insurance****Title 53: Intergovernmental Relations****Title 56: Labor and Employment****Title 59: Mental Health****Title 62: Mining****Title 68: Professions and Occupations****Title 71: Public Buildings, Facilities, and Real Property****Title 74: Public Finance****Title 77: Public Health****Title 80: Public Officials and Employees****Subtitle A: Merit Employment Systems**

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SubTitle B: Personnel Rules, Pay Plans, and Position Classifications
 SubTitle C: Labor Relations
 SubTitle D: Retirement Systems
 SubTitle E: Ethics
 SubTitle F: Employee Benefits
 SubTitle G: Payroll Deductions
 SubTitle H: Deferred Compensation
 SubTitle I: General Travel Control
 Title 83: Public Utilities
 Title 86: Revenue
 Title 89: Social Services
 Title 92: Transportation
 Title 95: Veterans and Military Affairs

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.150 Notice of Codification Changes

a) From time to time, style changes may be made by the Administrative Code Division in the codification of rules to:

- 1) comply with the requirements of the computer data base, or
- 2) bring previously filed codified rules into compliance with the current codification style.
- 3) When such changes are made to codified rules, they are nonsubstantive and do not affect the meaning of the text.
- 4) Before filing codified rules with style changes, the Administrative Code Division will notify the agency of all changes made and will request a certification from the agency authorizing the rules as changed to be filed.
- 5) The Administrative Code Division will publish, upon receipt of the certification from the agency, a Notice of Codification Changes in the Illinois Register. (See 100. Appendix E, Illustration D)
- 6) A Notice of Codification Changes will also be published for changes the Administrative Code Division makes to the file copies of Emergency and Peremptory rules. These codification changes shall affect neither the validity of the rule nor its effective date.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.160 Deletion or Transfer of Rules

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In the event an agency is abolished, agencies are consolidated, or agencies are reorganized, the Administrative Code Division shall follow the procedures outlined in Section 4(e) 5-80(d) of the IAPA.
 (Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.180 Style Manual

The Administrative Code Division has prepared a Style Manual to aid agencies in the codification rulemaking process. Copies of the Style Manual may be obtained by calling or writing to contacting the Code Division at the following address:

Administrative Code Division
 288 Centennial Building 111 E. Monroe Street
 Springfield, IL 62756
 (217) 782-9786

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART B: ILLINOIS REGISTER

Section 100.200 Publication Schedule and Deadline

- a) The Administrative Code Division publishes and distributes the Illinois Register on Friday of each week. However, if Friday is a state holiday, the Register is published and distributed on the next work day.
- b) Pursuant to the provisions of this Part, all documents submitted to the Administrative Code Division for Illinois Register publication and shall be received by 4:30 p.m. on Tuesday 12:00 p.m. on Tuesday shall be published in the following week's Register. If Tuesday is a state holiday, the deadline becomes 4:30 p.m. on Monday (the day before the normal deadline) since the Code Division staff must still prepare the Register for publication and send it for printing by Thursday of each week. The Code Division strictly enforces this deadline. All documents meeting publication requirements will appear in the following week's Register. However, all new rules, amendments, repealers and expedited corrections which an agency is ready to adopt must be submitted to the Code Division either five working days prior to the date the agency wishes to adopt the material or, if a later effective date is specified, five working days prior to the Register deadline listed
- c)

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in subsection (b) above. (See also Section 100.550) This allows the Code Division staff adequate time to review the material and allows the agency adequate time in which to make the necessary corrections and resubmit the material to the Code Division.

d) Copies of the current year's publication schedule with deadline dates are available upon request from the Code Division published weekly in the Illinois Register.

e) If the Code Division staff determines that a week's register will be over 300 pages due to the amount of material submitted and approved for publication prior to the Tuesday deadline, the staff will begin compiling the register for publication earlier in the third week that an agency which has submitted a proposed rule for publication and subsequently wishes to withdraw that proposal prior to its publication. But after the rule has already been incorporated into the Register compilation, the agency may withdraw the rule only by submitting for publication a Notice of Withdrawal of Proposed Rules. (See 100. Appendix A, Illustration C) No agency may withdraw an adopted, emergency or preemptory rule or expedited correction once it has been filed with the Code Division.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.210 Contents

Each issue of the Illinois Register will contain a table of contents by agency in alphabetical order within the following categories (not necessarily in this exact order):

- a) Proposed rules
- b) Adopted rules
- c) Emergency rules
- d) Preemptory rules
- e) Public Hearings on Proposed Rules
- f) Agency action on statement in response to a Statement of objection (objection (Modification, Withdrawal or Refusal) Request, Refusal or Approval of Expedited Correction)
- g) Notice of Corrections
- h) Notice of Regulatory Flexibility Impact Analysis
- i) Notice of Codification Changes
- j) Joint Committee on Administrative Rules - Notices of 1) Agenda 2) Statements of Recommendation, Objection, or Suspension or Prohibited Filings 3) Agency Failure to Respond

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- 4) Second Notices Received
- 45) JCAR Review of Existing Rules - Statement of Objections and Recommendations
- k6) Notice of Failure to Remedy JCAR Objections
- l) Executive Orders and Proclamations
- m) Other Information required by law to be published in the Illinois Register
- n) A Cumulative Index and a Sections Affected Index.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.220 Publication Requirements

- a) All documents submitted for publication shall meet the following requirements:

- 1) Each document shall be typewritten (or produced on word processing or computer equipment) on 8 1/2 x 11 inch white paper (at least 20 lb. weight) and shall be single-spaced. One original (camera-ready) and 4 copies shall be submitted with the exception of proposed rules which shall require 5 copies. (See definition of "Camera-ready Copy" in Section 100.110) The original and all copies shall not be stapled together nor three-hole punched.
- 2) Each page of the document shall be headed ILLINOIS REGISTER (all in capital letters) centered on a solid line exactly one inch from the top of the page as shown in the Appendices. In addition, on each page of the document the agency's name, all in capital letters, shall appear one double-space under the solid line, entered on the page, and the action heading, all in capital letters, shall appear one double-space under the agency name, centered on the page. There shall be a one inch margin from all sides of the page. Only one side of the page shall be used.
- 3) All documents submitted to the Code Division for publication shall include notice page(s) and follow specific formats as outlined in the Appendices contained in this Part. The numbered questions shall be underlined, double-spaced and answered with a statement. Non-applicable is not an acceptable answer to any of the questions.
- 4) Each document submitted for publication which concerns rulemaking must specify the Part's heading, the Code citation, and the specific Sections of the Part involved. (Subsections shall not be specified

except in the text of the document.) In addition, the document shall specify a Register citation along with the issue date if it concerns rules published in the Illinois Register.

6) When submitting proposed rules that include any new Parts or Sections, an agency with available technology may submit an American National Standard Code for Information Interchange (ASCII) format file in a 3 1/2 inch disk along with the paper copies.

b) The headings on the Notice (as required by Sections 100.410, 100.530, 100.610 and 100.710) and the pages of text must agree. (For example, if the Notice says "Notice of Proposed Rules", then the text pages must also say "Notice of Proposed Rules".) (Please refer to See Section 100.300 for further information on headings.)

c) The action headings mentioned in subsections (a) (2) and (b) above shall be as follows for rulemaking activities:

- 1) If the rules comprise a new Part, the term "Rules" shall be used;
- 2) If the rules comprise amendments (new Sections, amended Sections, repealed Sections) to an existing Part, the term "Amendments" shall be used;
- 3) If the rules comprise a repeal of an entire Part, the term "Repealer" shall be used.

d) Underscoring shall be used for the information required in Sections 100.410(a), 100.530(a), 100.610(a), 100.710(a), and 100.1110(a) as shown in 100. Appendix A, Illustrations A, C, D, and E; 100. Appendix B, Illustrations A, E, and F, G, H, and I; 100. Appendix C, Illustrations A, D, and E; 100. Appendix D, Illustrations A, B, and D; and 100. Appendix E, Illustrations A, B, and D, E and F.

e) The entire table of contents for the Part, including the authority and the main source notes, must be published when any type of rulemaking activity (proposed, adopted, emergency, and temporary new rules, amendments, and repealers and expedited corrections) is published in the Illinois Register.

f) The Administrative Code Division shall perform the following duties:

- 1) Review all documents submitted to determine if they comply with the format and style requirements of this Part and the IAPA and, if adopted rules meet these requirements, the Code Division will issue a sign the Certificate of Review and Approval. (See Sections 100.450 and 100.550)

- 2) Refuse to accept all documents which were submitted in non-compliance with the format and style requirements of this Part and the IAPA. The issuing agency will be contacted within 5 working days concerning documents which are refused with an explanation for the refusal. Refused documents will not be published in the Illinois Register until they are corrected and resubmitted to the Code Division.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.230 Publication of Materials Incorporated by Reference

Standards, guidelines or federal rules incorporated by reference into an agency's rules (see Section 100.385) shall not be published in the Illinois Register. All rules containing incorporations by reference as specified in Section 6.02(b) of the Act shall be submitted to JCAR for approval prior to publication of the adopted rulemaking in the Illinois Register.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.240 Notices of Corrections

- a) At the agency's request, the Administrative Code Division will publish a Notice of Corrections to Proposed Rulemaking in the Illinois Register to inform all interested parties of any technical deficiencies in an agency's proposed rules, such as typographical, clerical, printing, copying or other inadvertent errors. Such Notice shall be prepared by the agency in accordance with the publication requirements outlined in this Part and shall contain the complete text of the proposed rulemaking as corrected. The publication of this Notice shall change the date of the commencement of the first notice period to the date the correction is published. (See 100. Appendix A, Illustration D) However, only non-substantive changes can be made by the agency after the commencement of the second notice period. Substantive changes shall be made only by written agreement with JCAR. (See Section 5-40(c) of the Act.) Pursuant to Section 5.01(b) of the Act.

- b) The Administrative Code Division will shall decline to publish any corrections or file any replacement pages to rules which have been adopted and filed with the Code

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Division except codification changes as noted in (Section 100.150) and expedited corrections (Section 100.560) subsection (4) below.

c) An agency may correct information contained on a Notice of Proposed Rulemaking published in the Illinois Register by submitting one original and 4 copies of a Notice of Corrections to Notice Only for publication in the Register. (See 100. Appendix E, Illustration B) Pursuant to Section 5-40 of the IAPA, a Notice includes not only the pages headed "Notice" but also the text of the rules. This Notice shall only be used when the file copy was correct and the Register published copy was incorrect or when the answers to the required questions at the beginning of a Notice were incorrect. Corrections to the text of an agency's proposed rulemaking may be made on a Notice of Corrections to Proposed Rulemaking. (See subsection (a) above and 100. Appendix A, Illustration D) No corrections shall be made to any adopted rule filed in the Administrative Code Division, except as noted in subsection (4) below.

d) Agencies are expected to carefully proofread all materials submitted to the Code Division for filing and/or for publication including checking to ensure that the Register text agrees with the file copy text. In the event that an agency submits an adopted rule or amendment to the Code Division with the Register text being correct and the file copy being incorrect (different from the Register text in some way), the agency may submit corrected pages for the file copy to the Code Division within one week (seven calendar days) following publication of the issue of the Register containing the rulemaking. The agency shall, in this event, submit one original and 4 copies of a Notice of Corrections to Adopted Rules (100. Appendix B, Illustration F) to the Code Division for publication in the next available issue of the Register. The agency shall also submit one original and 2 copies of the file text being corrected which shall meet all the requirements for rules being filed pursuant to this part. Errors which are discovered in the file copy text later than seven days following publication of the issue of the Register in which the notice of adopted rulemaking appeared can only shall be corrected by the agency going through the regular general rulemaking process to correct the errors or by the expedited correction process (see Section 100.250). In the event that the Register text and the file copy are both incorrect, whether or not the errors are identical, the agency may only correct the file copy by going

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through the regular rulemaking process. Such errors cannot be corrected by publishing both a Notice of Corrections to Notice Only and a Notice of Corrections to Adopted Rules (Amendments, Repeals).
e) A Certificate and Notice of Expedited Correction shall be filed with the Administrative Code Division during normal business hours in accordance with procedures set forth in Section 100.250.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.250 Expedited Corrections

- a) A Request for Expedited Correction of Adopted Rules may be forwarded by JCAR to the Administrative Code Division. (See 1 Ill. Adm. Code 100. Appendix B, Illustration G) The request must be accompanied by the complete text of the affected Section(s), indicating both the incorrect text and the agency's proposal for correction in accordance with Section 100.420(c). The correction shall be published in the next available Register.
- b) The Joint Committee on Administrative Rules may then submit either a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100. Appendix B, Illustration H) or a Notice of Expedited Correction (1 Ill. Adm. Code 100. Appendix B, Illustration I) signed by the Executive Director of JCAR, and meeting all requirements outlined in Sections 100.200, 100.300, 100.500, 100.510, 100.520, 100.530, 100.540 and 100.550.
- c) If JCAR issues a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100. Appendix B, Illustration H), this does not prevent the agency from promulgating the rules through the general rulemaking procedures.

(Source: Added at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.260 Indexes

- a) The Administrative Code Division prepares an annual publication consisting of both the cumulative Cumulative and Sections Affected Indexes for all codified rules appearing in the Illinois Register. Rules listed alphabetically by heading under the agency name for material published in the Illinois Register on an annual basis. The annual indexes will be distributed to all persons subscribing to the Illinois Register. Additional

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copies of the annual-cumulative indexes for back-volumes of the Register, are available in limited supply from the Code Division for a fee. (See Section 100.280) All requests for copies of this publication must follow the procedures outlined in Sections 100.270 and 100.280.

- b) The Code Division also prepares a Sections Affected Index and a Cumulative Index for all codified rules appearing published weekly in the Register. This index indexes indexes lists list the Sections on which current rulemaking activity has occurred (in the current volume of the Register) by title of the code and appears appear in the back of each issue of the Register following the Cumulative Index. Annual issues of this index will also be distributed to all subscribers with additional copies available from the Code Division for a fee (see Section 100.280).

- e) All requests for copies of these indexes must follow the procedures outlined in Section 100.270(f).

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.270 Illinois Register Availability

- a) Subscriptions
- 1) All agencies required to file rules under the Illinois Administrative Procedure Act and members of the Illinois General Assembly will, upon request, receive one subscription to the Illinois Register exempt from fee. Agency subscriptions are limited to each agency's principal office (a total of two fee complementary subscriptions are allowed for those agencies maintaining both a Springfield and a Chicago principal office; all other agencies receive only one fee complementary subscription).
 - 2) All other persons wishing to receive an issue of the Illinois Register each week shall pay the annual subscription rate. (see Section 100.280)
 - b) Microfiche copies of back volumes of the Illinois Register are available from the Administrative Code Division for a fee. (See Section 100.280)
 - c) Print copies of back issues of the current volume of the Illinois Register are available in limited supply from the Administrative Code Division for a fee. (See Section 100.280) When the limited supply is depleted, requests for such copies will be denied.
 - d) The annual publication consisting of both the Cumulative and Sections Affected Indexes mentioned in Section

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100-260 are is not available by subscription, but may be obtained through Section 100.280(a)(4) except as stated in Section 100.260(c) and (d).

- e) All requests for subscriptions (either new or renewed), single issues of the Register, microfiche copies of back volumes, the annual Cumulative and Sections Affected Indexes, must follow the procedure outlined in Section 100.280(b).
- f) All requests for change of address must be in writing and four (4) weeks must be allowed for such changes.
- g) No subscriptions to the Illinois Register shall be retroactively effective.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.280 Fees

- a) Fees charged by the Administrative Code Division for the materials in Sections 100.260 and 100.270 shall not exceed the costs of the publication and mailing of the materials. Current fees for the Illinois Register materials cited in these Sections appear in the back of on the order form printed in each issue of the Register and are listed below:
- 1) One year subscription to the Illinois Register: \$290.00 per year per subscription.
 - 2) Single issues of the current year: \$10.00 per copy.
 - 3) Microfiche sets of back volumes of the Register: \$200.00 per set.
 - 4) Copies of the annual publication consisting of the Cumulative and Sections Affected Indexes to the Register: \$5.00 per copy.
 - b) Requests for the above named materials will be accepted as charges to Master Card or Visa or in writing accompanied by a check or money order in the proper amount made payable to SECRETARY OF STATE. Cash will not be accepted. No subscriptions are taken for single issues, microfiche sets of back volumes or copies of the indexes Indexes.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.300 Headings

SUBPART C: RULE DRAFTING REQUIREMENTS

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- a) All rules submitted to the Administrative Code Division for publication in the Illinois Register must have the Register heading, the agency name and the action heading on each page pursuant to Section 100.220(a)(2) and (c) and the Appendices. (For a definition of "Heading," please refer to see Section 100.1107-1)
- b) Rules submitted to the Code Division for filing as adopted must have the Code heading on each page pursuant to Section 100.500 and 100-Appendix B, Illustration D.
- c) Headings for a Part's table of contents
- 1) Beginning at least 2" from the top of the page (to allow for the Register heading, the agency name and the action heading for Register publication or the Code heading for file copies) and centered on the page shall be the following headings:
 - A) The word **TITLE** and its label followed by a colon and the heading;
 - B) The word **SUBTITLE** and its label followed by a colon and the heading (if applicable);
 - C) The word **CHAPTER** and its label followed by a colon and the heading;
 - D) The word **SUBCHAPTER** and its label followed by a colon and the heading (if applicable).
 - 2) Each of the applicable headings listed above shall be all in capital letters (except where arabic numbers or small letter labels are used for the Code divisions) and shall appear, in order, on successive single-spaced lines. These headings as well as the Part number and its heading shall appear on the first page only of both publication and file copies.
 - 3) One double-space below the Chapter, its label and heading, (or, if applicable, the Subchapter, its label and heading) shall appear the word **PART** (all in capital letters) and its appropriate number, centered on the page.
 - 4) On the next line beneath the Part number shall be the heading for the Part, all in capital letters, centered on the page.

(Source: Amended at 17 Ill. Reg. _____, effective July 1, 1993)

Section 100.310 Table of Contents

- a) At the beginning of each Part shall be a table of contents which shows the applicable headings for Sections and Subparts, as specified in Section 100.300(c), and which outlines the Subparts (if any) and the Sections and

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- their headings included in the Part in numerical order.
- 1) If the Part has Subparts, the word **SUBPART**, its label, followed by a colon and the heading of the Subpart shall appear on one line, all in capital letters. The first Subpart and its label and heading shall appear one double-space below the Part heading and shall be centered on the page. Each additional Subpart, label and heading shall appear one double-space below the last Section of the previous Subpart and shall be centered on the page. The Sections shall be listed in numerical order and shall be separated by Subpart (if applicable). The word "Section" shall appear at the left hand margin. Directly under the word "Section" shall be the Section numbers with their appropriate headings to the right of and on the same line as the Section number. The Section numbers and headings shall be single-spaced.
 - 3) Emergency Sections shall be listed with the word "EMERGENCY" under the Section heading until such time that the emergency rulemaking has expired or the proposed rulemaking has been adopted.
 - 4) Supplementary Material
 - A) Any supplementary material contained in a Part (Appendices, Exhibits, Illustrations, Appendices, Tables and/or Exhibits) shall be listed, single-spaced, in order with the appropriate word, label and heading. The headings for Sections of supplementary material shall include the Part number and be labeled with a capital letter. Subsections shall be listed under the Section heading excluding the Part number and indented five (5) spaces:
 - i) If the Part has no Subparts, the list of supplementary material shall begin on the first line below the last Section listed; or
 - ii) If the Part has Subparts, the list of supplementary material shall begin one double-space below the last Section listed.
 - B) Any supplementary material contained in a Part must be placed upright on the page, must fit within the margin requirements, and must be legible. All supplementary material must be camera-ready. (See the definition of "Camera-ready Copy" in Section 100.110 and Section 100.350.)

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- c) Only the words "Appendix," "Exhibit," "Illustration" or "Table" may be used for "Illustration," "Appendix," "Table" or "Exhibit" shall be used for supplementary material in a Part. Rules which use other words for such supplementary material will be rejected by the Code Division.
- b) Examples of correct tables of contents appear in the Style Manual and in adopted rules appearing in the Register.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.320 Authority Note

- a) Each Part adopted shall include an authority note. The authority note shall indicate both of the following types of authorities in the order in which they are listed below:

- 1) Authority being implemented
The specific state statutes, federal laws or rules (or sections thereof) which the rules are implementing, interpreting, or applying. This is often a statute establishing a specific program administered by the agency and it may be the same as the authorizing statute. Multiple citations shall be used when necessary. A state statute shall always appear as well as any federal statute or rules.
- 2) Authority to Promulgate Rules
The specific state statute which authorizes the agency to adopt the rules, if not contained in the Act which the rules are implementing. This is often a section of the enabling Act of the agency or the Act creating the agency and may be implied. Occasionally, an Executive Order of the Governor may contain an agency's authorization to promulgate rules.
- b) Citations to state statutes shall include both the name of the Act and an Illinois Revised Compiled Statutes citation (and/or the P.A. number and effective date if the P.A. has not yet been published in the statutes). Citations to federal laws shall include both the name of the law and either the U.S.C. or U.S.C.A. citation (and/or the P.L. number and the effective date if the P.L. has not yet been published in the U.S.C.) Citations to federal rules shall include both the name of the rules and the CFR or FR citation. Please refer to the Style Manual for examples of all statutory citations.

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- c) For information on statutory citations, please see Section 100.380(c) and (d).
- d) The authority note for each Part shall be located one double-space below the last entry in the table of contents and shall be single-spaced.
- e) Authority notes are supplemental references which are intended to be used for the convenience of the reader. They are not rules and do not have the force of law. Failure to cite a statute in an authority note shall not be construed to deprive an agency of any rulemaking authority that the statute contains.
- f) Examples of authority notes are contained in the Style Manual.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.330 Source Notes

- a) Each Part adopted in compliance with this Part shall include appropriate source notes. The two types of source notes are: main source notes and Section source notes.
- 1) The main source note shall indicate the location in the Illinois Register of the notice of adoption of the rules and the effective date. It shall also include Register citations for any amendments to the Part subsequent to the original adoption. Main source notes are cumulative in nature. The main source notes shall be located one double-space below the authority note and shall be single-spaced.
 - 2) A Section source note shall indicate the Register citation for the last action on that particular Section subsequent to the original adoption. Codification action shall not be indicated in a Section source note. Section source notes appear one double-space below the last sentence of the Section and shall be single-spaced.
 - b) Main source notes are intended to indicate to the public when the Part was adopted or amended and where to look for the notice of the adoption may be found after. Normally, only citations to the Illinois Register shall be indicated in the main source note and Section source notes, although amendment dates prior to Illinois Register publication shall be included only if specifically requested by the agency. The following situations are exceptions to this provision:
 - 1) If a new Part is being adopted, the main source note

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shall have blank spaces for the volume, and page number of the Register, and as well as the effective date unless a later date is known and specified.

- 2) If the set of rules was adopted prior to the publication of the Illinois Register, the main source note should indicate the exact title of the set of rules as it was adopted (if that title has changed significantly in codification), the date filed, and the effective date.
- c) The agency may also supply additional information in the main source note to clarify the origin of the rules. For example, an agency may indicate in the resolution, general order, or docket number used in the adoption of the rules; however, such numbers alone are insufficient. When an agency drafts rules or amendments, regardless of the type of rulemaking occurring (proposed, adopted, emergency, or preemptory or expedited correction), the main source note shall contain specific the action, being taken along with a register citation with blanks left for the volume number of the Register, the page number on which the Notice of Adoption Action will appear and a blank for the effective date although these three items are unknown at the time of proposal. If the rulemaking regardless of the type, amends an existing party appropriate Section source notes shall also appear with blanks for the volume and page numbers as well as the effective date. Failure by an agency to include these items will necessitate the return of the rules being returned to the agency for corrections prior to their being published in the Illinois Register or filed in the Code Division.
- d) For examples of main source notes and Section source notes, please refer to the Style Manual.
- e)

(Source: Amended at 17 Ill. Reg. _____, effective July 1, 1993)

Section 100.335 Automatic Repeal of Rules

- a) An agency may provide for the automatic repeal of a rule (section of a part) by specifying in the text the date (including month, day and year) of the automatic repeal. Such automatic Automatic repeal shall not be used to repeal or amend existing Sections on file in the Code Division, but shall be used only for new Sections.
- b) Each Section of a Part which is to be automatically repealed must have specify the repeal date specified

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in the text.

- b) Pursuant to Section 5-04 5-55 of the IAPA not less than 30 nor more than 60 days prior to the effective date of the repeal, the agency shall publish notice of the repeal in the Illinois Register notice of the repeal. Such notice shall meet the requirements for Illinois Register publication specified in Section 100.220 and 100.Appendix B, Illustration E1, and shall be:
- 1) for rules adopted through the regular general rulemaking process, as specified in Section 5-01 5-40 of the Act, as shown in 100.Appendix B, Illustration E1; or
- 2) for rules adopted through the preemptory rulemaking process as specified in Section 5-03 5-50 of the Act, as shown in 100.Appendix B, Illustration D.
- c) The notice specified in subsection (b) above shall contain the full text of the affected sections, the complete table of contents for the Part indicating which sections are being automatically repealed by adding the word "Repealed" immediately after the affected section headings of the affected sections, the authority note, and the main source note for the Part including a citation to the Notice of Automatic Repeal. Each affected section must also contain the appropriate Section source note for the citation to the Notice of Automatic Repeal. At the same time the agency submits the notice and text required by subsection (b) above, it shall also submit one (1) original and two (2) copies of the complete table of contents for the Part including the authority and main source notes and the necessary replacement pages for the sections being automatically repealed. The replacement pages shall include the Code headings at the top of each page, the section number and heading followed by the word "Repealed" and a section source note to the citation for the automatic repeal.
- e) Should the agency fail to submit the notice of the repeal in the time frame specified in subsection (b) and the Act, taking into consideration the time lag between submitting the material to the Code Division for publication and the actual publication of the Illinois Register, the automatic repeal date as specified in the rule(s) is technically void and the agency will have to go through the regular general rulemaking process in order to repeal the rulemaking. The 30 to 60 day period in which the notice is to be published in the Illinois Register means that it must requires the rule to appear in a published Register during that time period. A schedule of the current year's Register publication and

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deadline dates is available upon request from the Code Division.

(Source: Amended at 17 Ill. Reg. 10414 _____, effective July 1, 1993.)

Section 100.340 Text of the Part; Subsections

- a) The text of each Part submitted for either publication or for filing shall be single-spaced. However, a double-space shall appear between the section number and the first line of text and shall appear between the last line of one subsection and the first line of the next subsection. For rules published in the Illinois Register, the section number and heading of the first section being published shall appear one double-space below the main source note. For rules filed with the Code Division as adopted, the first section shall appear on the next page following the main source note.
- b) Subsections shall be identified as indicated in the following scheme format. The proper indentation of each level of subsection, both for the labels and for the text, is also indicated.
 - 1) First level of subsection: Use a), b), c), etc. Locate the label one and one-half (1 1/2) inches from left edge of page (indent 5 spaces from the margin) and locate the text two (2) inches from the left edge of the page.
 - 2) Second level of subsection: Use 1), 2), 3), etc. Locate the label two (2) inches from left edge of page (indent 10 spaces from the margin) and locate the text two and one-half (2 1/2) inches from the left edge of the page.
 - 3) Third level of subsection: Use A), B), C), etc. Locate the label two and one-half (2 1/2) inches from left edge of page (indent 15 spaces from the margin) and locate the text three (3) inches from the left edge of the page.
 - 4) Fourth level of subsection: Use i), ii), iii), etc. Locate the label three (3) inches from left edge of page (indent 20 spaces from the margin) and locate the text three and one-half (3 1/2) inches from the left edge of the page.
- c) A single paragraph within a section is not labeled as a subsection. An opening paragraph (prior to labeled subsections or indented items such as addresses, formulas, or definitions) is allowed but unlabeled paragraphs at the same indent level as the opening

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paragraph following such labeled subsections or indented items or following labeled subsections at any level are not allowed. A single complete sentence following such subsections or indented items is also not allowed but instead must be labeled as a subsection.

- d) Subsections beyond the fourth level are not allowed. Sections which contain further subsections must be divided into separate sections.
- e) Sections which consist of definitions of various terms in alphabetical order do shall not need to include a subsection label for each definition, but the definitions must be indented as if they were being labeled. (For example, definitions in alphabetical order which would be labeled at the first indent level shall appear, unlabeled, with each line of text beginning two (2) inches from the left hand edge of the page.) There shall be only one definitions section per part except that each subpart may also have a definitions section. This section should be the first section within the specified codification division. Definitions may appear in the text of other sections if necessary to explain that particular section or subsequent sections in that part or subpart. An alphabetical arrangement without subsection labels is usually clearer and allows for the addition or deletion of terms without re-labeling. Other lists within sections (for example, a list of recommended library books) may also be arranged alphabetically without subsection labels but must be indented properly. Lists of definitions or other items, if not in alphabetical order, must be labeled.
- f) When dividing a section into subsections, do not use an a) without a b), a 1) without a 2), etc. However, in labeling a single Appendix, Exhibit, Illustration, or Table, the label "a" shall appear.
- g) When referring to one or more subsections within the text of a subsection, the subsection label must be enclosed in parentheses.
- h) Numbered or lettered phrases within a subsection are not allowed. Such numbered phrases must be indented to the proper level and labeled appropriately.
- i) Since the codification system shall be compatible with electronic data processing equipment and programs maintained by and for the General Assembly (Section 5-80 of the Act), the section symbol, subscript or superscript letters, the plus or minus sign, the division symbol, the delta symbol, the square root symbol, lesser than and greater than symbols and other similar signs and symbols, are not allowed within the text of an agency's

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rules. If an agency determines that a formula containing such symbols is absolutely necessary within the text of its rules and cannot write the formula in words rather than in symbols, the agency shall give a camera-ready copy of the formula to the Administrative Code Division to be used to scan into the rules for publication in the Illinois Administrative Code. If an agency determines that a sign or symbol not specified in this subsection must be included in the rule, the agency must contact the Code Division to see determining if it can be used prior to the agency submitting the proposed rules for Register publication.

j) All acronyms, abbreviations, ~~initials~~ initials, and shortened forms which an agency wishes to use in the text of its rules must be spelled out in full the first time within each part the reference appears with the acronym, abbreviation, ~~initials~~ initials or shortened form placed immediately thereafter in parentheses. (A definitions Section at the beginning of each Part is preferable.) The agency may then use the acronym, abbreviation, ~~initials~~ initials or shortened form throughout the remainder of the Part. This includes ~~shortened forms for referring to names of public acts and public laws but does not include the list of standard abbreviations shown in subsection (k) below.~~

k) Listed below are standard abbreviations and their meanings which do not have to be spelled out in full in an agency's rules as specified in subsection (j) above. If an agency wishes to use one of these abbreviations but wishes to attach a different meaning to it, it must follow the procedures outlined in subsection (j) above.

- 1) All two letter abbreviations for the 50 states as designated by the United States Postal Service are allowed;
- 2) All chemical abbreviations for the elements are allowed;
- 3) The following are allowed examples of commonly known abbreviations:

Abbreviation abbreviation	Definition definition
A.C.	alternating current
a.m.	ante meridiem, morning
Ave.	Avenue
Blvd.	Boulevard
Btu.	British thermal unit
C.	Centigrade, Celsius

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C.D.T.	Central Daylight Time
CFR	Code of Federal Regulations
ch.	chapter (statutory citation use only)
cm.	centimeter
C.S.T.	Central Standard Time (or other time zones)
cu.	cubic
D.C.	District of Columbia,
Dr.	Direct Current
E.	East
e.g.	for example
et seq.	and those that follow
F.	Fahrenheit
FR	Federal Register
ft.	foot
ID	identification
i.e.	that is
ILCS	Illinois Compiled Statutes
Ill. Adm. Code	Illinois Administrative Code
Ill. Reg.	Illinois Register
Ill. Rev. Stat.	Illinois Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	lane
mg.	milligram
mi.	mile
mm.	millimeter
mph	miles per hour
Mt.	Mount
N.	North
n/a	not applicable
oz.	ounce
p.	page (Register citations to Volumes 1-4 only)
par., pars.	paragraph, paragraphs (statutory citations only)
p.m.	post meridiem, afternoon
qt.	quart
Rd.	Road
S.	South
sq.	square

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St. Saint, Street
U.S. United States
U.S.C. United States Code
W. West
yard

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.345 Renumbering Sections within a Part

No more than six (6) Sections can be renumbered within a Part without being recodified. When renumbering Sections within a Part: a) The Part's table of contents shall show the following:

- 1) If no text remains at the Old Section number,
 - A) the Section number and heading remain and shall not have strike-outs but the word "(Renumbered)" shall be added underscored at the end of the Section heading and shall be underscored.
 - B) the new Section, to which the old Section is being renumbered, shall appear in the correct numerical order with the old number shown with strike-outs and the new number and heading underscored shown immediately following with underscored. The heading of the new Section shall also be underscored since this Section has not existed before.
- 2) If new text is being adopted at the old Section number,
 - A) the new heading (which shall be underscored) shall appear after the former heading (which shall have strike-outs).
 - B) the new Section, to which the old Section is being renumbered, shall appear in numerical order with the old number shown with strike-outs and the new number and heading underscored shown immediately following with underscored. The heading of the new Section shall also be underscored since this Section has not existed before.
- b) The text of the Part shall show the following:
 - 1) If the Section being renumbered is not being replaced by new text:
 - A) the old Section number and heading as it is currently on file and its heading shall appear in the correct numerical order with the word

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"(Renumbered)" underscored added at the end of the Section heading and underscored. No text shall appear here but a Section source note indicating the Section's new location, the Register citation, and effective date shall appear.

- B) the new Section, to which the old Section is being renumbered, shall appear in numerical order with the old number shown with strike-outs and the new number and heading shown immediately following with underscored and the heading also being underscored. The text of the Section shall appear here and, if any amendments are being made to the text, they shall be indicated by strike-outs and/or underscoring. A Section source note indicating from where the Section was renumbered and whether the Section is being amended, along with the Register Citation and effective date shall also appear.
- 2) If the Section being renumbered is being replaced by new text:
 - A) the Section number shall appear followed by the old heading with strike-outs and the new heading with underscoring. The new text shall be shown with underscoring and an appropriate Section source note indicating the new location of the former text, and the new text being adopted, along with the Register citation and effective date shall also appear. The old text does not appear at the old number.
 - B) in numerical order where the new Section appears, the procedures outlined in subsection (b) (1) (B) shall be followed.
 - c) Only entire Sections may be renumbered. If an agency wishes to split one Section into two or more Sections or combine several Sections into one Section, recodification of the Part is required. Please see (See Sections 100.1100 and 100.1110) for this procedure.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.350 Supplementary Material

- a) Tabular materials, illustrations, diagrams, figures and other supplementary material included in a Part should be placed at the end of the Part and labeled as Appendices,

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Exhibits, Illustrations or Tables. Such materials should be used only when an agency deems them absolutely necessary; rules shall be in explanatory form whenever possible. Supplementary materials included in a Part filed with the Code Division shall be considered part of the rules and should be referred to within the text of the Part.

b) Any Appendices, Exhibits, Illustrations or Tables appearing at the end of the Part shall be included in the Part's table of contents. Such supplementary materials shall be identified with capital letters and the Part number unless it is a subsection. If there is a subsection, it shall not include the Part number but shall be indented five (5) spaces below the Section.

1) An Appendix is generally in prose format and does not contain illustrations, tables, or other diagrams or drawings. If it is necessary for an Appendix to contain illustrations, tables or other diagrams or drawings, each illustration, table or diagram shall be labeled individually and shall become subsections of the Appendix.

2) A small Table which is small may sometimes be contained within a Section as long as it fits within the text margins of the subsection in which it appears. In such a case, the Table is not labeled, but may have a heading. If the Table is larger than the subsection margins allow, the Table must be placed at the end of the Part and labeled with capital letters. An agency should either delete the Table from its rule through the regular general rulemaking process or must submit to the Administrative Code Division a camera-ready copy of the Table which will fit with the applicable margin requirements, on an 8 1/2 x 11 inch sheet of paper.

3) An Exhibit is usually a form. Forms should be avoided, if at all possible, since they are considered to be rules pursuant to (See Section 3-09 1-70 of the Act.) Rather, references to the forms within the text of the Part should be by form number and should be incorporated into an Exhibit for explanatory reasons only. If an agency adopts a form with text filed with the Code Division, the form will be considered as part of the rule.

4) An illustration is generally a diagram or drawing. In those cases where the illustrations cannot be entered into the data base, the agency must submit

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to the Administrative Code Division a camera-ready copy of the illustration; such copy must fit within the margin requirements as outlined in this Part both for filing and for Illinois Register publication. (Please refer to Sections 100.220(a)(3)7 and 100.500(g))

c) A maximum of 10 illustrations, Appendices, Tables, or Exhibits may be used in each Part unless used in combination with one another. If an Appendix, Exhibit, Illustration or Table has subsections labeled with one or more of the remaining three terms, it shall have no text of its own.

d) Pursuant to Section 100.310(a)(3)(B), all supplementary material shall be legible even when reduced by 50% for Register publication, shall fit within the applicable margin requirements, and shall be upright on the page.

e) Whenever an agency adopts a rule containing material which cannot be entered into the computer data base, the agency shall prepare a master original of the material (photocopies are not allowed) for the Code Division's files (exclusive of the files containing the actual rules) so that the original may be used when each edition of the Code is published.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.360 Proper Format

Examples of the proper format for adopting codified rules are contained in the Style Manual. Additional examples are available for inspection at the Administrative Code Division.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.380 Statutory Language and Statutory Citations

a) Rules shall not unnecessarily repeat statutory language. Whenever it is necessary to repeat or paraphrase statutory language in a rule, it shall appear in distinguishing type. Italic type is expressly reserved for statutory language.

b) If it is necessary for an agency to use a type other than italic for statutory language, a statement as to what type is used must be made immediately after the main source note. Underscoring is not considered to be

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distinguishing type because it is expressly reserved for added language in rules published in the Illinois Register.

- e) Statutory citations shall each include the date of the edition, preferably the most current edition. This requirement is to aid the public in researching the statutes which the rules are implementing and to ensure consistency of statutory citations within the Illinois Administrative Code. One statement specifying the edition for all citations within a part is not allowed because the public may not see that particular statement and because this negates consistency within the Code.
- e)d) Public Acts or Public Laws not yet published in the Illinois Revised Compiled Statutes or the United States Code, respectively, cannot have a citation to a published edition unless the Act or Law is amending an Act or Law in the specific published edition cited, in which case the words "as amended by" followed by the P. A. or P. L. number and effective date or the P. L. number and effective date appear within the statutory citation's parentheses but after the paragraphs of the Act in that citation. Public Acts or Public Laws which do not appear in a published edition must be cited by name of Act, P. A. or P. L. number and effective date.

- e)d) Citations to statutes must be included immediately after the quotation or phrase as specified in Section 100.385. However, in the event that the Section of the Act being quoted has already been cited earlier in the Part, the agency shall only specify the Section and the title of the Act in which the quotation appears, either immediately before or immediately after the quotation, for each quotation appearing after the original citation to that statute omitting the statutory citation for these subsequent references.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.385 Incorporation by Reference; Citation of Referenced Material

- a) An agency may incorporate by reference standards, regulations or rules of an agency of the United States or of a nationally or state recognized organization or association, pursuant to Section 4-02.5-25 of the ILPA.
- 1) The material being incorporated by reference must be identified by location and date and must state that no later editions or amendments are included.

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- 2) The agency shall be required to maintain in its principal office a copy of the full text of adopted rules including standards or rules incorporated by reference.
- b) If an agency cites sections of a state or federal statute or state or federal rule within the text of a Part, the specific statutory citation must be included immediately following the first mention of the statute or rule within the Part. Thereafter, a citation to these particular sections need not be repeated. Citations to different sections of an Act or rule already cited must have the statutory citation added.
- e) Agencies proposing rules or amendments containing incorporations by reference shall obtain approval for certain incorporations from their pursuant to Section 6-02(b) of the Act and 1 Ill. Admin. Code 220-760.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.390 Footnotes; Agency Notes; Editor's Notes

- a) Footnotes
An agency may include with its rules, as footnotes, the citations and brief digests of court cases and Attorney General's opinions. Such footnotes shall be numbered in sequence, and the text of such footnotes shall be at the bottom of the same page where the footnotes appear in the text of the rule. These footnotes shall be the only notes allowed to be numbered in this manner.

- b) Agency notes
Occasionally an agency may need to explain something within the text of its rules; such explanation may not fit the normal format for codification. In such instances, an agency note may appear. The use of agency notes is discouraged. If the use of such a note is absolutely necessary, the agency shall contact the Administrative Code Division for the proper procedure for proposing rules or amendments, or prior to adopting emergency rules or amendments, containing agency notes. In addition, agency notes may take several forms. The subsections shall fit within the margin requirements of the subsections to which they refer, and shall not be labeled except by "Agency Note" unless otherwise authorized by the Code Division, and

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shall not contain either subsections or lettered or numbered phrases. Any agency notes included in an agency's rules are considered part of the rule and must be adopted, amended, or repealed in the same manner as the rules are.

c)

Editor's notes. Occasionally, in codification, the Administrative Code Division may add an editor's note which cross references the rules of two or more agencies. or explains a particular way the rule was modified or explains Administrative Code database style. The Administrative Code Division is the only agency allowed to add editor's notes editor's notes to a rule since the Division is the Editor of the Illinois Administrative Code. Such notes are not part of the rule but are used solely for informational purposes to aid the reader.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART D: PROPOSED RULES

Section 100.400 Required Notice Periods

a) There are two notice periods required in rulemaking, pursuant to Section 5-04 5-40 of the IAPA:

- 1) The first notice period is at least 45 days in length from the date the proposed rules appear in the Illinois Register. During this first notice period, the agency must allow interested persons who submit a request to comment during the first 14 days of the notice period reasonable opportunity to comment on the proposed rule. Request to comment may be submitted either orally or in writing at the agency's discretion. If a public hearing is to be held on the proposed rule, and notice of such does not appear on the Notice of Proposed Rules (Amendments, Repealers) for Codification published in the Register, the agency may submit a Notice of Public Hearing on Proposed Rules for Register Publication. (See 100 Appendix A, Illustration E) This Notice must meet the publication requirements outlined in Section 100.220.

- 2) The second notice period begins on the day JCAR receives written notice from the agency and expires 45 days later unless, prior to that time, the agency and JCAR have agreed to extend the second notice period beyond 45 days for a period not to exceed an

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additional 45 days or the agency receives either a statement of objection from JCAR or notification that no objection will be raised. (See 1 Ill. Adm. Code 220 for information on submitting rules to JCAR for the second notice period.)

b)

No more than one year may elapse from the date the proposed rule appeared in the Illinois Register until the date the rule is adopted or filed with the Administrative Code Division. Should more than one year elapse, such rule shall not be adopted or filed with the Administrative Code Division. (See Section 5-04(d) 5-40(e) of the Act) For example, if a proposed rule appears in the Illinois Register on March 1 of one year, it lapses on March 1 of the following year unless March 1 falls on a holiday or a weekend, in which case the elapsed time would be the following day.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.410 Notice of Proposed Rules

a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (See Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which the information listed in subsections (1) through (12) below shall appear (see also Appendix A, Illustration A). On the next page shall be following the items listed in subsections (1) through (12) below, the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing part, the text shall appear as it is on file and in effect in the Code Division with all changes indicated by strike-outs and/or underscoring. However, if an entire part is being repealed, the text is printed without strike-outs and if a new part is being proposed the text appears without underscoring:

- 1) The heading of the Part;
- 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section Numbers (new Section, list in numerical order) (include supplementary amendment, repeal, renumber, etc.);
- 4) The specific statutory citation upon which the Part is based and authorized;

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- 5) A complete description of the subjects and issues involved;
- 6) Whether the proposed rule will replace an emergency rule currently in effect;
- 7) Whether the proposed rule contains an automatic repeal date;
- 8) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
- 9) Whether there are any other proposed amendments to this Part, other than those appearing in the same Register issue, pending. If so, specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal (this means any proposed amendments other than those appearing in the same issue of the Register as this proposal);
- 10) A Statement of Statewide Policy Objectives (if applicable) (Ill. Rev. Stat., 1985, ch. 95, par. 2205) (See Section Sections 100.110 and 100.415(b));
- 11) The time, place and manner in which interested persons may present their views concerning the proposed action, and the name, address and phone number of the individual within the agency who may be contacted. All persons who submit a request to comment within 14 days after this Notice has been published shall be given a reasonable opportunity to submit data, views, arguments or comments; and
- 12) Initial Regulatory Flexibility Analysis (Ill. Rev. Stat., 1985, ch. 127, par. 100-4.03 and 1005-01) (See "Regulatory Flexibility Analysis", Section 100.1101);
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs
 - B) Types of small businesses affected (See Section 1-75 of the Act), small municipalities (see Section 1-80 of the Act) and not for profit corporations (See Section 1-85 of the Act) affected
 - C) Reporting, bookkeeping or other procedures required for compliance
 - D) Types of professional skills necessary for compliance.
- b) Under the Section Numbers and Proposed Action columns at the beginning of the Notice of Proposed Rules as shown above in subsection (a)(3) of this section shall be listed the specific Section Number(s) in numerical order and the specific action being taken. If several actions are occurring, each Section affected must be listed on a

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- separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. The Code Division has examples of the correct format for this available upon request. If an agency omits from this listing one or more All rules in which Sections and/or any supplementary material in the text for which is included in the Notice or lists one or more Sections of any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will shall be returned to the agency for corrections prior to its being published in the Illinois Register.
- c) Only one Part shall be listed per Notice. All new Sections, amendments to existing Sections, and/or repealers of Sections shall be contained on this Notice. Only one Notice per Part for proposed rules will be accepted by the Administrative Code Division for publication in a single issue of the Register, unless the agency is repealing a Part in its entirety and proposing a new Part to replace the repealed Part (same subject matter). In this instance only, the Code Division will accept two Notices of proposed rulemaking for one Part number, one for the proposed repealer and one for the proposed new Part, for publication in the same issue of the Register.
 - d) If an agency is proposing, amending, or repealing more than one Section, several new Sections, amending several Sections, and/or repealing several Sections, and the agency wishes to have any or all of the Sections considered as separate rulemakings, the agency shall specify, under the Statutory Authority statutory authority, the particular Sections with the specific authority for each separate rulemaking. The agency shall follow the same procedure in Section 100.410(a)(1) through 100.410(a)(12) for the complete description of the subjects and issues involved, and, if necessary, specify different people to be contacted for each separate rulemaking. Under the question concerning time, place and manner for comments to be submitted, only by doing this may this procedure permit an agency to take those portions of the rulemaking into second notice separately or adopt those portions of the Part at different times.
 - e) If an agency wishes intends to hold a public hearing on

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the proposed rules, the information on the hearing may be included in the time, place, and manner item on the notice (subsection (a) (1) above of this section) or the agency may submit a Notice of Public Hearing on Proposed Rules as given in Appendix A, Illustration E. Only Notice for public hearings on proposed rules will be accepted for publication unless a notice for another type of public hearing is specifically required by state statute to be published in the Register.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.415 Other Statutory Requirements for Rulemaking

The following are statutory requirements for rulemaking:

- a) Regulatory Flexibility
 - 1) Prior to during the first notice period specified in Section 100.400, and pursuant to Section 4-03 5-30(c) of the IAPA, the agency shall notify the Business Assistance Office of the Department of Commerce and Community Affairs when the rules affect businesses, not for profit corporations or small municipalities. The Secretary of State shall provide a copy of any proposed rules or amendments accepted for publication.
 - 2) Prior to or during the first notice period, if the agency or the Department of Commerce and Community Affairs determines that there is an impact on small businesses, not for profit corporations or small municipalities, the agency shall provide additional notices to small businesses the impacted entities by using one or more of the following, pursuant to Section 5-30(b) of the Act:
 - A) The inclusion in any advance notice of possible rulemaking of a statement that the rule may have an impact on small businesses, not for profit corporations or small municipalities.
 - B) The publication of a notice of rulemaking in publications likely to be obtained by small businesses, not for profit corporations, or small municipalities.
 - C) The direct notification of interested small businesses, not for profit corporations, or small municipalities.
 - D) The conduct of public hearings concerning the impact of the rule on small businesses, not for

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- E) profit corporations, or small municipalities. The use of special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses, not for profit corporations, or small municipalities.
- 3) During the first notice period, the Department of Commerce and Community Affairs, if it determines that the rulemaking will have an impact on small businesses, may complete a Regulatory Flexibility Notice to be published in the Illinois Register. In order to carry out the provisions of Pursuant to Section 4-03 5-30 of the IAPA, the agency shall consider the impact of the rulemaking on small businesses, not for profit corporations, or small municipalities, using as guidelines paragraphs (4)-(4-5) of Section 4-03 5-30 (a) (1 through 5) of the IAPA.
- 5) An agency must make a regulatory flexibility analysis when proposing rules. Agencies shall include the initial regulatory flexibility analysis on the Notice of Proposed Rules (Amendments, Repeaters) for Illinois Register publication and a final regulatory flexibility analysis when submitting the proposed rule(s) to JCAR for the second notice period. If an agency determines that its rulemaking does not affect small businesses, not for profit corporations or small municipalities, it shall so state on the Notice of Proposed Rules (Amendments, Repeater). The term "n/a" shall not be accepted.
- b) Statement of Statewide Policy Objectives
This statement, pursuant to Section 5 of the State Mandates Act, (Ill. Rev. Stat. 1991, ch. 85, par. 2205) (30 ILCS 805/5), shall be included on the Notice of Publication. This statement must justify the imposition of the proposed requirements which would require the proposed local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, and must explain why such policy objectives cannot be achieved in the absence of these proposed requirements.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.420 Text of Proposed Rules

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The text of proposed rules (see Section 100.220) shall begin on the next page following the last line of information required in Appendix A, Illustration A, shall contain the Register headings, the agency name and the action heading, i.e., (NOTICE OF PROPOSED RULES (AMENDMENTS, REPEALER) (since Section 5-01 5-40 of the IAPA specifies that requires a notice of rulemaking to contain the text), and shall contain the following information:

- a) If the proposal is a new Part: the full text of the Part including the headings, the complete table of contents, the authority note, and the main source note.
- b) If the proposal is a new Section of a Part with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the new Section. The table of contents must show by underscoring the number and heading of each Section being added. Subparts and their headings should be shown in the text so that the public has a better understanding of how the new Section(s) relates to the Part as a whole and Section source notes must be included at the end of each new Section.
- c) If the proposal is an amendment to a Part (changed language in existing Sections or the addition or deletion of one or more Sections): the headings, the complete table of contents, the authority note, the main source note, and the full text of the affected Sections with language being added indicated by underscoring and language being deleted indicated by strike-outs. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the proposal. Sections being either repealed or renumbered so that no text remains at that Section number shall indicate the word "(Repealed)" or "(Renumbered)" underscoring immediately following the Section heading in both the table of contents and the text. Subparts and their headings should be shown in the text so that the public has a better understanding of how the amendment relates to the Part as a whole and Section source notes must be included at the end of each Section.
- d) If the proposal is a repealer of a Section with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the text of the Section being repealed. In the table of contents, the Section being repealed must have the word "(Repealed)" underscored immediately after the heading. No strike-outs shall appear either in the text or the table of contents for Section numbers and headings of proposed repealers. Subparts and their headings should

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shall be shown in the text so that the public has a better understanding of how the repealed Section relates to the Part as a whole and Section source notes must be included for each Section being repealed.

- e) If the proposal is a repealer of a Part: the headings, the complete table of contents, the authority note, the main source note and the full text of the Part being repealed.

- f) If the Part has emergency amendments in effect at the time new amendments are proposed, the text of the proposal shall show the original text (prior to the emergency) with strike-outs and/or underscoring indicating all changes to the original text.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.430 Notice of Corrections

The Administrative Code Division shall, at the agency's request, publish notices of Corrections in the Register. Such Notices shall be prepared by the agency. Please refer to Section 100.240 and 100.250 for further information concerning Notices of Corrections.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.440 Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule

- a) When an agency elects to modify or withdraw, or refuses to modify or withdraw a proposed rule in response to meet the objections of JCAR, the agency shall submit a Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule to be published in the Register. (See 100. Appendix A, Illustration C). An agency may withdraw a proposed rulemaking (cease rulemaking activity on that proposal) without having a JCAR objection by publishing a Notice of Withdrawal of Proposed Rules in the Register. (See 100. Appendix A, Illustration B for the format for this type of Notice.) Such Notice of Withdrawal of Proposed Rules (Amendments, Repealer), whether in response to a JCAR objection or not, shall be for the entire rulemaking proposed unless, pursuant to Section 100.410(d), the agency has divided the proposal into several rulemakings. If JCAR issues an objection on a proposed rule, amendment or repealer, the agency must respond to the objection directly to JCAR within 90 days

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of the receipt of the statement of objection. Failure to do so shall constitute withdrawal of the proposed rule, amendment or repealer and JCAR shall submit a notice to that effect in the next available issue of the Illinois Register. The agency response to JCAR's objection which must be published within the 90-day period as specified above, but it is preferable if the agency does so.

b) If an agency responding responds to a JCAR objection takes more than one type of action in response to the objection (that is, modifies and/or withdrawals and/or refuses to modify or withdraw), the heading on the Notice shall state the actions taken:

1) If the agency is withdrawing one or more Sections or portions thereof and modifying one or more Sections or portions thereof, the action heading shall state "Notice of Withdrawal and modification Modification to meet the objections Objections of the Joint Committee on Administrative Rules". It shall be noted, however, that withdrawal of one or more Sections in one particular rulemaking constitutes withdrawal of all Sections in that rulemaking. This Notice of Withdrawal and Modification may only be used when one entire rulemaking on a Part is being withdrawn and another entire rulemaking is being modified on one Notice.

2) If the agency is withdrawing one or more Sections or portions thereof and refusing to modify or withdraw one or more Sections or portions thereof, the action heading shall state "Notice of Withdrawal and Refusal to modify Modify or withdraw Withdraw to meet the objections Objections of the Joint Committee on Administrative Rules". (See also the information concerning withdrawal of rules in subsection (1) above.)

3) If the agency is modifying one or more Sections or portions thereof and refusing to modify or withdraw one or more Sections or portions thereof, the action heading shall state "Notice of Modification and Refusal to modify Modify or withdraw Withdraw to meet the objections Objections of the Joint Committee on Administrative Rules".

4) If the agency is taking all three actions, the action heading shall state "Notice of Withdrawal, modification Modification, and Refusal to modify Modify or withdraw Withdraw to meet the objections Objections of the Joint Committee on Administrative Rules". (Also refer to the

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information concerning withdrawal in subsection (1) above.)

c) On the Notice of Withdrawal (Modification, Refusal to Modify or Withdraw) to Meet the Objections of the Joint Committee on Administrative Rules, the agency shall, under "Action," state the specific action being taken, in response to the objection, i.e., withdrawal, modification, or refusal to modify or withdraw. (See 100-Appendix A, Illustration C.)

d) An agency may only take one action on each specific objection issued by JCAR. Therefore, an agency may not elect to modify and refuse to modify or withdraw a portion of its rules in response to the same objection. However, the agency may take different actions on each of the specific objections if more than one objection has been issued by JCAR.

e) An agency may withdraw a proposed rule without having a JCAR objection by publishing a Notice of Withdrawal of Proposed Rules, (Amendments, or Repealer) (use the format of See 100-Appendix A, Illustration B.)

f) Publication of a Notice of Withdrawal of Proposed Rules, (Amendments, or Repealer) constitutes withdrawal of the entire rulemaking. However, if the agency has split the action on a Part into several rulemakings pursuant to Section 100.410(d), the agency may elect to withdraw only one of the rulemakings, but that the rulemaking shall be withdrawn in its entirety. This Notice is to be used only when withdrawing rulemakings prior to and instead of submitting the withdrawing a rulemaking being submitted to JCAR for second notice.

g) An agency which decides to withdraw one or more Sections from a proposed rulemaking due to comments received during the first notice period shall not publish a Notice of Withdrawal of Proposed Rules, (Amendments, or Repealer) in the Illinois Register to that effect unless the Sections being withdrawn constitute the entire rulemaking. Rather, when submitting the proposed rulemaking to JCAR for second notice, the agency shall specify this withdrawal as a change made to the proposed rulemaking during the first notice period.

h) If an agency wishes to withdraw one or more Sections of a proposed rulemaking due to agreements made between the agency and JCAR during the second notice period, the agency shall not publish a separate Notice of Withdrawal of Proposed Rules, (Amendments, or Repealer) unless the withdrawal involves the entire rulemaking. Rather, the Sections being withdrawn shall be listed on the Notice of Adopted Rules, (Amendment, or Repealer) as changes

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- 1) between proposal and adoption.
If an agency wishes to withdraw a proposed rulemaking in its entirety and less than two (2) months remain before the one-year deadline at which time the proposed rulemaking will automatically lapse, a Notice of Withdrawal of Proposed Rules (Amendments, Repealer) shall not be published in the Register. Rather the agency shall simply let the rules lapse.
- 2) An agency wishing to withdraw one or more sections of a proposed rulemaking due to a JCAR objection shall follow the procedures outlined in subsections (a), (b), (c), and (d) of this Section.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993.)

Section 100.450 Administrative Code Division Review of Proposed Rules

- a) The Code Division staff will review all proposed rules to ensure that publication requirements as outlined in this Part have been met. If corrections are necessary, the Code Division staff will notify the agency, and the proposed rules, (amendment, or repealer) will not be published in the Register until the material is corrected and re-submitted to the Code Division. This may mean a delay in publication for these materials. This review includes, but is not limited to, the following:
- 1) Register headings are correctly worded and spaced;
 - 2) Questions required pursuant to Section 100.410(a) and 100 Appendix A, Illustration A appear in the correct order with the following questions checked for accuracy:
 - A) The heading of the Part;
 - B) The Code Citation;
 - C) Section Numbers and Proposed Action;
 - D) Appropriate source notes are included where necessary;
 - 3) One original and four (4) five (5) copies were submitted with the original pages containing the required questions compiled with the original pages containing text and the four (4) five (5) copies identically compiled;
 - 4) A cover letter accompanies the material for Register publication.
 - 5) The Administrative Code Division will review all proposed rules for compliance with this Part during the first 45-day notice period and will send a list of comments on

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the codification of the proposed rules to the agency and to JCAR. This review includes, but is not limited to, the following:

- 1) Headings in the Part's table of contents match exactly the headings in the text;
- 2) Subsections are correctly labeled and/or indented;
- 3) Source notes are correct;
- 4) Titles of state Acts are correct and statutory citations and/or references to the Acts appear where necessary;
- 5) Names of agencies are correct;
- 6) Rules referenced properly and citations added where necessary;
- 7) Renumbering done correctly, if applicable;
- 8) Authority notes up-to-date and in the correct format;
- 9) Typographical and other inadvertent errors noted. The Code Division shall again review the rules for filing, publication, and codification system compliance at the end of the second notice review period and upon the agency's submission of the rules for adoption and Register publication pursuant to Sections 100.545 and 100.550. This review ensures that the filing, codification, and publication requirements as outlined in this Part have been met.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993.)

SUBPART E: ADOPTED RULES

Section 100.500 Requirements for Filing

- a) All rules, amendments or repealers shall be typewritten (or produced on word processing or computer equipment) on plain 8 1/2 x 11 inch, three-hole punched loose-leaf white paper (at least 20 lb. weight), suitable for being placed in a standard loose-leaf binder for paper that size. One original and two copies shall be filed. There shall be margins of one inch at the top and on each edge of the page and only one side of the paper shall be used. (See 100 Appendix B, Illustration D) All copies submitted shall not be stapled together.
- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Title number, centered on a solid line exactly one inch from the top of the page. On the right hand side of the solid line shall be the appropriate Chapter number and Part or

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Section number. (If an agency's word processing equipment cannot fit all this on the line, the word Chapter may be abbreviated to Ch. and the word Section may be abbreviated to Sec. or the Section symbol may be used.)

1) If the Part being filed is contained in a title which has a subtitle, the word SUBTITLE and its appropriate label (capital letter) shall be centered on the page on the next line immediately below the solid line.

2) If the Part being filed is contained in a Chapter which has a Subchapter, the word SUBCHAPTER and its appropriate label (lower case letter) shall be located on the next line immediately under the solid line on the right hand side of the page. For codified rules being filed, each Section must begin on a new page.

c) The Title and its heading, the Section number and its heading or the text of the Section if the Section is longer than one page shall be located at least 2 inches from the top of the page to allow for the Code heading. (See subsection (b) above)

d) When a Section of a part or a whole Part is repealed or renumbered so that no text remains, a replacement page must be filed: for that Section, when only one Section is involved; or for each Section, when more than one Section is involved; or for the Part, when a part is totally repealed or renumbered. These replacement pages will carry the Code heading as specified in paragraphs subsections (b) and (c) above, as well as the following information:

1) For Sections which have been repealed and no text remains:

A) The Section number, the heading and the word "Repealed";

B) A Section source note containing the Register citation for the repeal.

2) For Sections which have been renumbered or renumbered and no text remains:

A) The Section number, the heading and the word "Renumbered" or "Recodified";

B) A Section source note containing the Section number to which the Section has been renumbered or renumbered and the Register citation for the action.

3) For Parts which have been repealed:

A) The Title, the Subtitle (if applicable), the Chapter, and the Subchapter (if applicable) along with their respective headings;

- B) The Part number and its heading with the word "REPEALED";
- C) A source note containing the Register citation for the repeal.
- 4) For Parts which have been renumbered and no text remains:
- A) The Title, the Subtitle (if applicable), the Chapter, and the Subchapter (if applicable) along with their respective headings;
- B) The Part number and its heading with the word "RECODIFIED";
- C) A source note containing the Register citation for the renumbering action.
- e) Adopted rules filed with the Code Division shall not contain either strike-outs or underscoring.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.510

Other Documents Required for Filing Adopted Rules

- a) Each adopted rule submitted by an agency to the Code Division for filing and publication shall be accompanied by the following: certification (See 100.Appendix B, 1) Illustration C);
- 2) A JCAR Certification of No Objection issued on the rules, or if JCAR has issued an objection, the agency's response to such objection (see Section 100.440 and 100.Appendix A, Illustration C) and the JCAR certification that the agency has responded to the objection, unless the rules are statutorily exempt from JCAR review;
- 3) A cover letter (See Section 100.225);
- 4) A copy of the JCAR approval of incorporations by reference pursuant to Section 6-02(b) of the Act, if applicable; and
- 5) A written copy of the JCAR-agency agreements (See definition of "agreements" in Section 100.110) issued on the rulemaking resulting from the meeting between the JCAR and the agency.
- b) In the event JCAR does not issue either a Certification of No Objection or a Statement of Objection and the agency and JCAR have not agreed to an extension of the review period, the agency may submit the rules for adoption after the expiration of the 45-day second notice period without the information required in subsection

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(a)(2) above. However, this must be stated on the cover letter so that the Code Division will not reject the rules on this technicality.

- c) The Code Division does will not issue its sign the Certificate of Review and Approval until the rules submitted meet the codification, filing and Register publication requirements outlined in this Part. ~~the~~ The original Certificate is filed with the rules, amendments or repealer and, ~~unless the agency specifically requests a copy, the Code Division will not issue a copy to the agency since the fact that the rules have been filed is indicative that the certificate has been issued.~~

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.530 Notice of Adopted Rules

- a) Each adopted rule submitted for Register publication shall be part of a Notice of Adopted Rules (Amendments, Repealers) (see Appendix B, Illustration A) at the beginning of which the information listed in subsections (1) through (16) below shall appear. On the next page following the items listed in subsections (1) through (16) below, the full text of the rules, amendments, or repealer and, if the adopted rulemaking is an amendment to an existing Part (except for a repeal of an entire Part or a repeal of one or more Sections of a Part with no other rulemaking action occurring at the same time), the text as it is on file and in effect in the Code Division with all changes indicated by strike-outs and/or underscoring:

- 1) The heading of the Part;
- 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section numbers Adopted Action (list in numerical order) (new Sections, amendments, repeals, renumbering, etc.);
- 4) The specific statutory citation upon which the Part is based and authorized;
- 5) The effective date of the adopted action (See also Section 100.550);
- 6) Whether the rule contains an automatic repeal date (See Section 100.335);
- 7) Whether the adopted rule (amendment) contains incorporations by reference pursuant to Section

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6.02(b) of the Act and, if so, whether a copy of the approval form from JCAR accompanies the rulemaking; Date filed in agency's principal office;

- 8) The date(s) the Notice(s) of Proposed Rules was (were) published in the Illinois Register (include the Register citation(s) to the page);
- 10) Whether JCAR issued a statement of objection to the rules and, if so, the following information:
 - A) Date and Register citation to the objection;
 - B) Date and Register citation to the agency's response;
 - C) Date agency submitted the response to JCAR; and
- 11) A statement of the changes made between the proposed and adopted versions;
- 12) Whether all the changes agreed upon by JCAR and the agency have been made as indicated in the agreement letter issued by JCAR to the agency (See definition of "agreements," Section 100.110);
- 13) Whether this rule will replace an emergency rule currently in effect. If an emergency was originally filed but has since expired, the answer to this question is "no";
- 14) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this adoption. If so, please specify the Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules (this means any proposed amendments other than those appearing in the same issue of the Register as this adoption);
- 15) Summary and purpose of rulemaking; and
- 16) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.

- b) If numbering changes are made, these changes must be specified on the Notice.
- c) Under the Section Numbers and Adopted Action columns at the beginning of the Notice of Adopted Rules (See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. The Code Division has

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examples of the correct format for this available upon request. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Illinois Register and prior to its being filled and taking effect.

d) Only one Part shall appear per Notice. All new Sections, amendments to existing Sections and repealer Sections must be listed on the one Notice. The Administrative Code Division will accept only one Notice per Part for adopted Rules for publication in a single issue of the Register, unless the agency is repealing the Part in its entirety, and adopting a new Part with the same subject matter to replace the repealed Part (same subject-matter). In this instance only, the Code Division will accept two Notices of adopted rulemaking, one for the repealer and one for the new Part, for publication in the same issue of the Register.

e) If an agency is adopting several Sections which were proposed as separate rulemakings, the statutory authority and description of the rulemaking shall be divided clearly so that this is clear to the public.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.540 Text of Adopted Rules

a) The text of the adopted rules shall begin on the next page following the last line of information required on the Notice by Section 100.410(e)(1) 100.530(a)(1) through (16) and Appendix B, Illustration A, shall contain the Register headings, the agency name and the action heading (NOTICE OF ADOPTED RULES (AMENDMENTS, REPEALER)), and shall include the following information for publication in the Register:

- 1) If the adopted rule is a new Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the new Part.
- 2) If the adopted rule is a new Section with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the Section being

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adopted. The table of contents must show by underscoring the section number and heading being added. Subparts and their headings should be shown in the text so that the public has a better understanding of how the new Section relates to the part as a whole. The Section must also contain the appropriate section source note(s). (See Section 100.330)

3) If the adopted rule is an amendment to the Part (changed language in one or more Sections or the addition or deletion of one or more Sections): the headings, the complete table of contents, the authority note, the main source note, and the full text of the Sections being amended showing identifying by strike-outs or underscoring the changes between the original rule on file with the Code Division and the final version. Subparts and their headings should be shown in the text so that the public has a better understanding of how the amendment relates to the part as a whole. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the adopted amendments. Sections which are being either renumbered or repealed so that no text remains at that Section number shall have the word "(Repealed)" or "(Renumbered)", as the case may be, immediately following the Section heading in both the table of contents and the text. The Section(s) must also contain the appropriate section source note(s). (See Section 100.330).

4) If the adopted rule is a repealer of a Part: the full text shall not be published but the file copy must show the headings of the Part with "(Repealed)", a source note with the repeal citation to the Illinois Register shall replace the main source note if the Part is not being replaced by new text. When the entire Part is being repealed, strike-outs shall not be used. The last line of the required information on the Notice pursuant to Appendix B, Illustration A shall be omitted.

5) If the adopted rule is a repealer of a Section with no other changes to the Part: the full text shall not be published in the Register but a new complete table of contents for the Part showing the word "(Repealed)" following the heading of the repealed Section must be filed along with a replacement page for the repealed Section. (See Section 100.500(d)) When an entire Section is being repealed with no

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other changes to the Part being made, strike-outs shall not be used. In this case, the last line of the required information on the Notice pursuant to Appendix B, Illustration A, shall be omitted.

- b) Sections of the Part have been renumbered, those changes must be indicated in the text and table of contents of the Part in the Register publication of that Part, both in the table of contents and in the text. The text of Sections which are being renumbered from another Section in its entirety shall appear in numerical order according to where they are being adopted or renumbered. (See Section 100.345)
- c) If emergency amendments to the Part are in effect at the time new amendments are being adopted and the new amendments do not replace the emergency amendments, the table of contents for both filing and Register publication shall indicate the Sections on which emergencies are still in effect. (See Sections 100.620 and 100.630)

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.545 Code Division Review of Adopted Rules

The Administrative Code Division staff will review all adopted rules, amendments or repealers for publication, filing, and codification requirements upon the agency's submission of the material to the Code Division following the end of the second notice period.

- a) The Register version will be checked for compliance with this Part including, but not limited to, the following items:
- 1) Register headings contain the correct wording and spacing;
 - 2) All the questions required by Section 100.530(a) and 100. Appendix B, Illustration A appear in the correct order and, for the following questions, all responses are correct:
 - A) Heading of the Part;
 - B) Code Citation;
 - C) Sections Section Numbers and Proposed Adopted Action;
 - D) Effective date. (No rules filed with the Code Division shall be retroactively effective.)
 - 3) The text begins on the proper page and is in the proper order;

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- 4) The changes requested by the Code Division during the first notice period have been made;
- 5) The rules (amendments, repealers)
 - A) Are labeled correctly;
 - B) Sections and subsections are indented properly and margin requirements are met;
 - C) Contain headings which match exactly in the Part's table of contents and the text;
 - D) References to State Acts contain the correct title and that statutory citations appear where necessary;
 - E) Agencies and their rules are correctly listed and/or cited;
 - F) Source and authority notes are correct and updated.
- 6) One original and four (4) copies are submitted and correctly compiled with all pages of the Notice in the right order, and with the pages containing the required questions and agency responses preceding the pages of text.
 - a) The file version will be checked for compliance with this Part including, but not limited to, the following items:
 - 1) The correct code headings appear at the top of each page;
 - 2) Each Section begins on a new page;
 - 3) The changes requested by the Code Division during the first notice period have been made;
 - 4) The rules (amendments, repealers)
 - A) Are labeled correctly;
 - B) Sections and subsections are indented properly and margin requirements are met;
 - C) Contain headings which match exactly in the Part's table of contents and the text;
 - D) References to State Acts contain the correct title and that statutory citations appear where necessary;
 - E) Agencies and their rules are correctly listed and/or cited;
 - F) Source and authority notes are correct and updated.
 - 5) One original and two (2) copies are submitted and correctly compiled with the original of the agency certification attached to the original of the text, and the copies of the agency certification are attached to each copy of the text;
 - 6) The original and two copies are all three-hole punched, not stapled and printed on one side of the page;

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- 7) The original is camera-ready (see definition of "camera-ready," Section 100.110);
- 8) Separate camera-ready originals of any tables, exhibits, illustrations, etc. which cannot be entered into the computer data base are submitted. These originals shall not be three-hole punched. The entire rulemaking package will be checked to ensure that the following items are included:
 - 1) The JCER Certification of No Objection is attached or, if JCER has issued an objection, the agency's response to the objection is included and is in proper format pursuant to this Part;
 - 2) The JCER approval form for any incorporations by reference is attached, if applicable;
 - 3) A copy of the JCER agreement letter issued on the rulemaking resulting from the meeting between JCER and the agency (see definition of "Agreements," Section 100.110);
 - 4) The cover letter describing the material being submitted.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.550 Certificate of Review and Approval

- a) Following the expiration of the second notice period, the agency shall resubmit a copy of both the Register and file copies of the final version of the rule for review by the Administrative Code Division at least five (5) working days prior to the date the agency either wishes to adopt the rule, amendment amend or repeal the rule or submit it for Register publication in order to allow the Code Division staff adequate time to review the material to be adopted for codification-system compliance and for filing and publication requirements pursuant to Section 100.545 and time for the agency to make any necessary corrections. The Code Division will issue its sign the Certificate of Review and Approval (100. Appendix 2B, Illustration C) after this second review when the material to be adopted meets the codification, filing and Register publication requirements as outlined in this Part.
- b) The agency shall should, prior to submitting adopted rules for final review, check the text of the rules or amendments to ensure the inclusion of that all agreements for changes the agency made with JCER (see definition of "Agreements," Section 100.110) have been

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made and that the Administrative Code computer data base version is correct, and that all Administrative Code requirements have been met. If the agency determines that all changes agreed upon pursuant to the JCER agreement letter have been made material is correct, it shall so specify on the Notice of Adopted Rules (Amendments Repealer).

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART F: EMERGENCY RULES

Section 100.600 Filing; Agency Certification

Emergency rules shall be filed with the Administrative Code Division as provided in this Subpart, Sections 100.220, 100.500, 100.510, and 100.540 of this Part and Section 5-02 5-45 of the IAPA. When an agency files an emergency rule, a situation must exist which the agency finds reasonably constitutes a threat to the public interest, safety or welfare. Accompanying the emergency rules must be:

- a) a certification of the emergency rules as shown in 100. Appendix C, Illustration C. This certification must specify the reason for the emergency, and
- b) A cover letter specifying the material being submitted and the reason for submission (filing, Register publication, review, etc.).

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.610 Notice of Emergency Rules

- a) Each emergency rule submitted for publication in the Illinois Register shall be a part of include a Notice of Emergency Rules (Amendments, Repealers) (see 100. Appendix C, Illustration A) at the beginning of which the information listed in subsections (1) through (12) below shall appear. On the next page following the items listed in subsections (1) through (12) below, the full text of the rules, amendments, or repealer and, if the rulemaking amends or repeals an existing part, the text shall appear as it is on file and in effect in the Code Division with all changes indicated by strike-outs and/or underscoring.
 - 1) The heading of the Part;
 - 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);

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- 3) Section numbers (new Sections, amendments, repeals, renumbering, etc.)
- 4) The specific statutory citation upon which the rule is based and authorized;
- 5) The effective date of the rule (immediately or less than 10 days after filing);
- 6) If the emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the regular general rulemaking process), please specify the date;
- 7) Date filed in agency's principal office;
- 8) The reason for the emergency;
- 9) A complete description of the subjects and issues involved;
- 10) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules. If so, please specify Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules) (means any proposed amendments other than those appearing in the same issue as the emergency rules);
- 11) A Statement of Statewide Policy Objectives, if applicable) (Ill. Rev. Stat. 1985, ch. 85, par. 2295) (See also Section Sections 100.110 and 100.415(b));
- 12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.

b) Under the Section Numbers and Emergency Action columns at the beginning of the Notice of Emergency Rules (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed in these columns. The Code Division has examples of the correct format for this available upon request. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any

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supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Register and prior to its being filed and taking effect since publication requirements will not have been met.

- c) All emergency action to one Part shall appear on one Notice, unless the Part is being repealed in its entirety and replaced by a new Part (same subject matter) by emergency action. In this instance only, two Notices, one for the repealer and one for the new Part, will be accepted for publication in one issue of the Register.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.620 Text of Emergency Rules

The text of emergency rules shall begin on the next page following the last line of information required on the Notice by 100. Appendix C, Illustration A, shall contain the Register headings, the agency name and the action heading NOTICE OF EMERGENCY RULES (AMENDMENTS, REPEALER), and shall include the following information for publication in the Illinois Register:

- a) If the emergency rule is a new Part: the full text of the Part including headings, the complete table of contents with the word "EMERGENCY" appearing immediately under each Section number, the authority note, and the main source note. Immediately under each Section number in the text shall appear the word "EMERGENCY".
- b) If the emergency rule is a new Section(s) of a Part with no other changes to the Part: the full text of the Section(s) including headings, the complete table of contents with the word "EMERGENCY" appearing immediately under the number of the affected Sections, the authority note, and the main source note for the Part. Subparts and their headings shall appear in the text so that the public has a better understanding of how the new Section relates to the Part as a whole. Each Section must have an appropriate Section source note. (See Section 100.330) Immediately under each Section number in the text shall appear the word "EMERGENCY".
- c) If the emergency rule is an amendment to the Part (changed language in one or more Sections and/or the addition or deletion of one or more Sections: the full text of the Section(s) including the headings, the complete table of contents with the word "EMERGENCY" appearing immediately under the Section numbers for the

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affected Sections and emergency changes to headings and numbers indicated by strike-outs and underscoring, the authority note and the main source note for the Part. Subparts and their headings shall appear in the text so that the public has a better understanding of how the amendment relates to the Part as a whole. Language being deleted shall be indicated by strike-outs and language being added indicated by underscoring. If Sections are being renamed, this action must appear both in the table of contents and in the text of the emergency amendments. Each affected Section must have an appropriate Section source note. (See Section 100.330) Immediately under each Section number in the text shall appear the word "EMERGENCY".

d) If the emergency rule is a repealer for a Part: the full text of the Part including the headings, the complete table of contents, the authority note, and the main source note.

e) If the emergency rule is a repealer of a Section of a Part with no other changes to the Part: the full text of the Section including the headings, the complete table of contents with the word "EMERGENCY" appearing immediately under the Section number for each affected Section and the word "(Repealed)" immediately following the Section heading, the authority note, and the main source note for the Part. Subparts and their headings shall appear in the text so that the public has a better understanding of how the repealed Section relates to the Part as a whole. Immediately under the Section number in the text shall appear the word "EMERGENCY" with the word "(Repealed)" immediately following the Section heading.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.640 Effectiveness

a) Pursuant to Section 5-02 5-45 of the IAPA, an emergency rule may be in effect for not longer than 150 days. No emergency rule may be adopted more than once in any 24-month period except as noted in Section 5-02 5-45 of the Act.

1) If the agency involved does not adopt, amend, or repeal, as the case may be, the rule through the regular general rulemaking process during the 150-day period, the rule shall automatically expire at the end of the period.

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2) If the agency adopts the rule through the regular general rulemaking process prior to the expiration of the 150-day period, the regular rulemaking process adopted rule will automatically replace the emergency rule in the official file of current rules in the Administrative Code Division.

3) If the emergency is due to expire before the expiration of the 150-day period (other than by means of adopting the rule through the regular general rulemaking process), the date on which the emergency rule is to expire, shall be shown on the Notice of Emergency Rules (Amendments, Repealer).

b) In the event an emergency rule expires without the rule being adopted through the regular general rulemaking process, the Administrative Code Division will replace the expired emergency Sections with the original text of the affected Sections in effect prior to the emergency. (Pursuant to the See Section 5-45 of the IAPA, emergency rules, amendments or repealer are temporary rules and therefore when they expire without being adopted through the regular rulemaking process, the text reverts to the language on file and in effect prior to the emergency. To rescind the emergency rule, amendment, or repealer without reverting to the language on file and in effect prior to the emergency would require rulemaking changes not allowable pursuant to the IAPA.) In addition, the Administrative Code Division will request that the agency involved shall submit file new table of contents page(s) for filing with the Code Division. The new table of contents shall not contain the word "EMERGENCY" under the Section numbers unless the emergency rule is still in effect on that Part. It shall include an updated main source note entry indicating the emergency expiration date immediately following the emergency affected, which the table of contents accompanying the rule prior to the emergency does not contain.

c) If the expiration involves a new Section, a new table of contents will be required with "(emergency expired)" noted next to the Section heading(s) involved; an entry following the emergency action noting the emergency expiration date in the main source note; and a replacement page for the Section showing the Section heading(s) followed by "(emergency expired)" and the Section source note reflecting the emergency action followed by the emergency expiration date.

d) If the expiration involves a new Part, a replacement page will be required for filing with the proper headings and a source note indicating the emergency action involved

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and the emergency expiration date.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993.)

Section 100.650 Adoption as a Permanent Rule

An agency may adopt an emergency rule pursuant to Section 5-02.5-45 of the Act, while simultaneously proposing the rule for permanent adoption. This proposed rule is subject to the general rulemaking procedures as outlined in this Part. If the emergency and the proposed rule are identical and appear in the same issue of the Register, the text of the rule need only be printed once. If the proposed rule and the emergency rule are not identical, the text of both rules must be published in the Register. If the emergency rule and the proposed rule appear in different issues of the Register, whether or not the rules are identical, the full text of each rule must be printed in the Register.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993.)

Section 100.660 Certificate of Review and Approval

Emergency rules should be submitted to the Code Division for review five (5) working days prior to the date on which the agency wishes the emergency rule is to take effect. This will give the Code Division staff adequate time to review the rule and the agency adequate time to make any necessary changes in order to ensure that the rule meets the codification, filing, and publication requirements set forth in this Part. Because of time limitations, it may be necessary for an agency to submit an emergency rule for filing and publication which has not been reviewed for codification system compliance by the Administrative Code Division. In such cases if time requires, however, the emergency rule may be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the filing and/or publication requirements as outlined in this Part have not been met, the material cannot take effect but will be published until the appropriate corrections have been made and the material has been re-submitted to the Code Division. The Administrative Code Division will review the rule following its filing and, should changes in the codification of the rule be necessary, will request the corrected pages from the agency and, as soon as the corrected pages have been received and approved, will publish a Notice of Codification Changes (see Section 100.150) in the next available issue of the Register. These codification changes shall affect

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neither the validity of the rule nor its effective date. When the text rule meets the codification rulemaking requirements outlined in this Part, the Code Division will issue sign its Certificate of Review and Approval. Please refer to Sections 100.450 and 100.550 for further information about the Certificate of Review and Approval (100-Appendix E, Illustration G).

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993.)

SUBPART G: PEREMPTORY RULES

Section 100.700 Submission; Agency Certification

If an agency is required by federal law, federal rules or a court order to adopt a rule, an amendment to a rule or a repealer under conditions which preclude it from complying with the regular general rulemaking procedures as outlined in this Part and Section 5-03.5-50 of the IAPA, the agency shall submit file copies of the rule according to Sections 100.500, 100.510(a), and (c) and 100.540 and publication copies of the rule according to Section 100.220 within thirty (30) days after a change in the rule is required. A certification of the peremptory rules in the form as shown in 100-Appendix D, Illustration C shall accompany the rule. A cover letter specifying the describing all material materials being submitted and the reason for submission (filing, Register publication, review, etc.) must also accompany the rules.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993.)

Section 100.710 Notice of Peremptory Rules

- a) Each peremptory rule submitted for Register publication shall be part of include a Notice of Peremptory Rules (Amendments, Repealers) (see 100-Appendix B, Illustration A) at the beginning of which shall appear the information listed in subsections (1) through (5) below. On the next page following the last line of information as shown in Appendix B, Illustration A shall appear the full text of the rules and, if the peremptory rulemaking is an amendment to or repeal of an existing Part, the text as it is on file and in effect in this Code Division with all changes shown by strike-outs and underscoring.
 - 1) The Heading Heading for the Part;
 - 2) The Code Citation Citation (include only the Title number, the Code abbreviation, and the Part number);
 - 3) Section numbers

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(list in numerical order) (new Sections, amendments, repeals, renumbering, etc.)
material)

- 4) Reference to the appropriate state or federal court order, federal law, or federal rule and the agency's reason for peremptory rulemaking;
- 5) Statutory authority;
- 6) Effective date;
- 7) A complete description of the subjects and issues involved;
- 8) Whether the rule contains an automatic repeal date;
- 9) Date filed in agency's principal office;
- 10) A statement that the rule is filed in compliance with Section 5-03 5-50 of the Act;
- 11) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this peremptory rulemaking. If so, please specify Section numbers, the proposed action, and the Register citation to the Notice of Proposed Rules (means any proposed amendments other than those appearing in the same issue of the Register as this peremptory rulemaking);
- 12) A Statement of Statewide Policy Objectives (if applicable) (Ill. Rev. Stat. 1985, ch. 95, par. 2205) (See also Section 100.110 and 100.415(b)); and

13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed.

- b) Under the Section Numbers and Peremptory Action columns at the beginning of the Notice of Peremptory Rules (Amendments, Repeal) (See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. The Code Division has examples of the correct format for this listing upon request. If an agency omits from this listing any Sections or supplementary material the text for which is included in the Notice, or lists any Sections or supplementary material the text for

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which is not included, or the action being taken is listed incorrectly, the materials will be returned to the agency for corrections prior to the Code Division's accepting the material for publication and filing. All peremptory rulemaking action for one Part shall appear on one Notice. The Administrative Code Division will not accept for Register publication more than one Notice per Part issue of the Register for peremptory rulemaking, unless the agency is repealing a Part in its entirety and adopting a new Part (same subject matter) to replace the repealed Part. In this instance only, the Code Division will accept two Notices, one for the repealed Part and one for the new Part, for publication in the same issue of the Register.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.740 Certificate of Review and Approval

Agencies should submit peremptory rules to the Code Division for review at least five (5) working days before the agency wishes the rules are to become effective. This will allow the Code Division staff adequate time to review the rules and the agency adequate time to make any necessary corrections in order to ensure that the rule complies with the codification, filing and publishing requirements as outlined in this Part. Because of time limitations, a peremptory rule may be submitted without this five (5) day review period and will be filed and published without the Certificate of Review and Approval provided it complies with the filing and publication requirements outlined in this Part. If time requires, however, a peremptory rule will be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the material being submitted does not meet the filing and/or publication requirements as outlined in this Part, the material will be returned to the agency for corrections prior to being accepted for filing and publication. The Code Division will review the rule following its filing and, if changes in the codification of the rule are necessary, will request corrected pages from the agency and will publish, as soon as the corrected pages have been received, a Notice of Codification Changes in the text available to the Illinois Register. Such changes will not affect the validity of the rule or its effective date. When the Code Division meets the modification requirements outlined in this Part, the Code Division will issue the Sign the Certificate of Review and Approval. See Section 100.550 for further information concerning the Notice of Codification Changes, please refer to

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agency certification of the rules as illustrated in 100.450(a), 100.450(b), 100.450(c), 100.450(d), 100.450(e) and (f). All internal rules as specified in Section 100.450 shall appear in Title 2 of the Code.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.820 Certificate of Review and Approval

Each internal rule submitted to the Administrative Code Division for filing and for Register publication shall be issued the signed Administrative Code Division's Certificate of Review and Approval (100.450(a), 100.450(b), 100.450(c), 100.450(d), 100.450(e), 100.450(f)) reviewed and approved by the Code Division staff. Issuance of this Certificate ensures that the rule meets the indicating that the codification, filing, and publication requirements outlined in this Part have been met. (See Sections 100.440 and 100.450)

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART I: PROHIBITED FILING**Section 100.900 Certified Statements from Joint Committee on Administrative Rules**

If JCAR prohibits the filing of a proposed rule or suspends the effectiveness of an emergency or peremptory rule, pursuant to Sections 7-06a 5-115 and 7-07a 5-125 of the Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1007-06a and 1007-07a), it shall submit a certified statement prohibiting the rulemaking to the Administrative Code Division. The certified statement shall be in accordance with Illinois Register publication requirements as outlined in Section 100.220 of this Part.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.910 Prohibition of the Filing of Rules

- a) Proposed rules shall not be filed by the Secretary of State for at least 180 days after receipt of the certified statement from JCAR prohibiting the filing. The effectiveness of emergency or peremptory rules shall be suspended for at least 180 days following the receipt by the Secretary of State of the certified statement from JCAR. During this 180-day period, the agency may not

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Section 100.450. For further information concerning the Certificate of Review and Approval, please refer to Sections 100.450 and 100.450.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART H: INTERNAL RULES**Section 100.800 Requirements**

- a) Each agency shall adopt rules on the following pursuant to Section 4-04 5-15 of the Act:
- 1) a description of the current organization of the agency including charts of such organization;
 - 2) procedures on public access to subjects, programs, and activities of the agency;
 - 3) the rulemaking procedures of the agency including any flow charts depicting such;
 - 4) a location for public inspection of incorporated reference materials.
- b) Agency organization charts shall neither specify names of individuals nor contain pictures of individuals. Rather, they shall specify only the bureaus, departments, divisions, sections, or units applicable to the agency.
- c) Rules filed pursuant to Section 4-04 5-15 of the Act shall appear in Title 2 of the Code and must meet the codification, publication and filing requirements outlined in this Part.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.810 Effectiveness; Exemption from Notice

Rules filed pursuant to this Subpart become effective upon their being filed with the Administrative Code Division and they shall not be adopted, amended, or repealed without the Notice of Proposed Rules (Amendments, Repealer). Agencies shall submit a copy of both the Register version and the file version for review five (5) working days prior to the date the agency wishes the rules to become effective. This will allow the Code Division staff adequate time to review the rules and the agency adequate time to make any necessary corrections. The file copy of such rules shall be as specified in Section 100.500. A Notice of Adopted Rules (Amendments, Repealer) and the text of the rules shall be submitted by the agency for publication in the Illinois Register as outlined in Sections 100.530 and 100.540. The agency shall also submit an

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file, and the Secretary of State shall not accept, any rule having substantially the same purpose and effect as the suspended rules. (Sections 7-6a(4) 5-115 and 7-6a(4) 5-125 of the Act)

- b) The Secretary of State will indicate prominently on the face of the affected rule such suspension for emergency and preemptory rules. (Section 7-6a(4) 5-115 of the Act)

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.920 Continuation of Prohibition

Passage of a joint resolution by the General Assembly to continue the prohibition (within the 180-day period) shall have the effect of permanently prohibiting the agency from filing the proposed rule(s). In the event of emergency or preemptory rule(s), the rule(s) shall be immediately repealed. The Secretary of State shall remove prohibited rule(s) from its collection of current rules. (Sections 7-6a(4) 5-115 and 7-6a(4) 5-125 of the Act)

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART J: PUBLIC INSPECTION AND COPYING

Section 100.1000 Certified Rules; Inspection

As specified by Section 6 5-65 of the IAPA, each agency is required to file both in the office of the Secretary of State and the agency's principal office a certified copy of all rules adopted by the agency including any amendments to or repeal of such rules or portions thereof. Both the Administrative Code Division and the agency shall keep a permanent register of the rules which shall be open to public inspection.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.1010 Photocopies and Fees

The Administrative Code Division shall provide a copy of any rule, including a certification thereof when requested, to the public upon request, either in person or in writing, such copies being subject to fees according to Ill. Rev. Stat. 1989 1991, ch. 53, par. 24. (5 ILCS 290/10)

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

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Section 100.1020 Illinois Administrative Code

The Illinois Administrative Code provides public access to all the rules of the state's agencies as these rules are on file with the Office of Secretary of State and in effect on the date specified on the cover of each edition. The Administrative Code Division will publish an annual Code. The Illinois Register serves as the weekly update to the Illinois Administrative Code.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.1030 State Property

Section 7(4) 5-80 of the Act specifies that the codification system, indexes, tables, and other aids relevant to the publication of the Illinois Administrative Code shall be the property of the State. No person may attempt to copyright or publish for sale such materials except the Secretary of State as provided in this Section.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART K: MISCELLANEOUS

Section 100.1100 Recodification of Rules

When an agency or the Administrative Code Division determines that, for public information and understanding or for better coordination of its rules, recodification is necessary, it shall follow the procedures as outlined in Section 100.1110. Parts or Sections thereof shall be recodified when:

- an entire Part is being renumbered;
- more than two Sections of a Part are being renumbered;
- one or more Sections are being split into two or more Sections;
- Two or more Sections are being combined into one Section;
- one or more Sections of a Part are being renumbered so that the numerical list of the Sections and/or alphabetical list of the Subparts in which they appear falls out of order;
- Subparts are being changed;
- Chapter numbers and/or headings are being changed;
- Subchapter labels or headings are being changed;
- Title numbers or headings are being changed;

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- j) Subtitle labels or headings are being changed.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.1110 Notice of Recodification

- a) An agency may recodify its existing rules with no substantive changes with such recodification being exempt from the notice requirements of Section 5-04 5-40 of the TAPA and from the publication of the full text of the rules. However, the agency shall be required to submit a Notice of Recodification (See 100-Appendix E, Illustration A) for publication in the Illinois Register. Such Notice shall contain the following information:

- 1) The heading of the Part;
 - 2) The Code citation;
 - 3) The date of Administrative Code Division review;
 - 4) The current headings and numbers of the rules being recodified;
 - 5) The outline of headings of Sections of the rules as recodified;
 - 6) A conversion table of present and recodified rules.
- b) When an agency recodifies a Part, it must submit a copy of the Notice of Recodification and a copy of the text of the Part as recodified to the Code Division for review at least 30 days prior to the date the agency wishes to adopt the recodified Part. This will allow the Code Division staff adequate time to review the rules for recodification system compliance and adequate time for the agency to make any necessary corrections to the Part or to the Notice of Recodification.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.1150 Regulatory Agendas

Pursuant to Section 5a 5-30 of the TAPA (Ill. Rev. Stat. 1989, Ch. 127, par. 1005a), an agency may submit for publication in the Illinois Register a regulatory agenda to elicit public comments concerning any rule which the agency is considering proposing but for which no notice of proposed rulemaking activity has been submitted to the Illinois Register. The format for a regulatory agenda appears in 100-Appendix E, Illustration F. All regulatory agendas submitted to the Administrative Code Division shall meet the requirements for Register publication as outlined in this Part.

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(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.1160 Regulatory Flexibility Notice

Pursuant to Section 5-30 of the Act, the Department of Commerce and Community Affairs may submit a Regulatory Flexibility Notice (100-Appendix E, Illustration G) for proposed rules which affect small businesses before the expiration of the notice period required under subsection (b) of Section 5.40 of the Act to be published in the next available Register.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section 100.1200 Availability

- a) Each state agency having rules on file in the Office of the Secretary of State, Administrative Code Division, the constitutional officers, and members of the Illinois General Assembly shall receive, upon request, one complete complimentary set of the Illinois Administrative Code free-of-charge. Requests for such free sets must be received in writing by the Administrative Code Division. The Illinois State Library will receive forty (40) sets for the depository library program. Any additional sets desired by an agency must be purchased.
- b) All other persons, businesses, and organizations wishing to purchase sets of the Illinois Administrative Code may purchase them at the fee specified in Section 100.1210.
- c) All orders will be filled on a first-come, first-served basis.
- d) All requests for purchase must follow the procedures specified in Section 100.1210.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

Section 100.1210 Fees

- a) The Illinois Administrative Code is available at a fee of \$290.00 per set from the Administrative Code Division which covers publication and mailing costs, as specified in Section 7(f) 5-80(f) of the IAPA.
- b) All requests for complete sets of the Illinois Administrative Code may be charged to Master Card or

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Visa or must be requested in writing and accompanied by a check or money order made payable to SECRETARY OF STATE. Cash will not be accepted.
c) Requests for complete sets of the Illinois Administrative Code will be honored on a first-come, first served basis until supplies are depleted.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

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Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION A Notice of Proposed Rules

For detailed information on this Notice, please refer to Section 100.410.

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Section Numbers: _____ Proposed Action: _____
- 4) Statutory Authority: _____
- 5) A Complete Description of the Subjects and Issues Involved; Will this proposed rule replace an emergency rule currently in effect? _____
- 6) Does this rulemaking contain an automatic repeal date? _____ Yes _____ No
- 7) If "yes," please specify the date: _____
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? _____
- 9) Are there any other proposed amendments pending on this Part? _____
Section Numbers _____ Proposed Action _____ Citation _____
- 10) Statement of Statewide Policy Objectives: _____
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: _____
- 12) Initial Regulatory Flexibility Analysis: _____
a) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: _____
b) Types of small businesses, small municipalities and not for profit corporations affected: _____
c) Reporting, bookkeeping or other procedures required for compliance: _____
d) Types of professional skills necessary for compliance: _____

The full text of the Proposed Rule(s) begins on the next page:

AGENCY NOTE: The solid line shall be exactly one inch from the top of the page. Also, if the proposal is a new Part, use the action heading as shown in this illustration; if the proposal is an amendment to a Part (new Sections being added, existing Sections being amended or repealed), the action heading shall state NOTICE

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NOTICE OF ADOPTED AMENDMENTS

OF PROPOSED AMENDMENT(S); If the proposal is a repealer of an entire Part, the action heading shall state NOTICE OF PROPOSED REPEALER.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

Section 100 APPENDIX B Adopted Rules

Section 100 ILLUSTRATION G Request for Expedited Correction

ILLINOIS REGISTER

AGENCY NAME

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Section numbers: _____
- 4) Date Proposal published in Illinois Register: _____
Ill. Reg. _____
(issue date) _____
- 5) Date Adoption published in Illinois Register: _____
Ill. Reg. _____
(issue date) _____
- 6) Summary and Purpose of Expedited Correction: _____
- 7) Information and questions regarding this request shall be directed to: _____
Name: _____
Address: _____
Telephone: _____

(Source: Added at 17 Ill. Reg. 10414, effective July 1, 1993)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION H Refusal to Certify Expedited Correction

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

REFUSAL TO CERTIFY EXPEDITED CORRECTION

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Section numbers: _____
- 4) Date Proposal published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 5) Date Adoption published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 6) Date Request for Expedited Correction to Adopted Rules published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 7) Reason for Refusal: _____
(issue date) _____ Ill. Reg. _____

(Source: Added at 17 Ill. Reg. 10414, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION I Notice of Expedited Correction

ILLINOIS REGISTER

AGENCY NAME

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Section numbers: _____
- 4) Date Proposal published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 5) Date Adoption published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 6) Date Request for Expedited Correction published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 7) Adoption Effective Date: _____
- 8) Correction Effective Date: _____
- 9) Reason for Approval of Expedited Correction: _____
(issue date) _____ Ill. Reg. _____

Agency Director

Date

The full text of the Corrected Rules begins on the following page.

(Source: Added at 17 Ill. Reg. 10414, effective July 1, 1993)

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Section 100.APPENDIX D Peremptory Rules

Section 100.ILLUSTRATION A Notice of Peremptory Rules

For detailed information on this Notice, please refer to Section 100.710.

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PEREMPTORY RULES

- 1) The Heading of the Part: _____
- 2) The Code Citation: _____ Ill. Adm. Code _____
- 3) Section Numbers: _____ Peremptory Action:
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: _____
- 5) Statutory Authority: _____
- 6) Effective Date: _____
- 7) A Complete Description of the Subjects and Issues Involved: _____
- 8) Does this rulemaking contain an automatic repeal date? ☐ Yes ☐ No

- 9) If "yes," please specify date: _____
- 10) Date Filed in Agency's Principal Office: _____
- 11) This rule is in compliance with Section 5-03 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending to this Part? ☐ Yes ☐ No
- 13) Section Numbers Proposed Action: _____ Illinois Citation: _____
- 14) Statement of Statewide Policy Objectives: _____
- 15) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to: _____

Name: _____

Address: _____

Telephone: _____

The full text of the Peremptory rules (amendments, repealer) begins on the next page:

AGENCY NOTE: For the correct action heading, please refer to the note in Appendix A, Illustration A, substituting the word "PEREMPTORY" for the word "PROPOSED."

(Source: Amended at 17 Ill. Reg. 10414
July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION C Certificate of Review and Approval

Certificate of Review and Approval

HEADING AND CODE CITATION

The Administrative Code Division certifies that the attached rule of the _____

(Name of Agency, Board, Commission or Department)

has been reviewed and approved this _____ day of _____, 19____.
Statutory Authority: _____

Illinois Revised Compiled Statutes _____ ILCS _____

Chapter _____ Paragraph _____

Signature of Officer _____

Title of Officer _____

AGENCY NOTE: The issuance of this Certificate indicates that the rule meets the requirements of codification, filing, and publication only.

(Source: Amended at 17 Ill. Reg. 10414
July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

Section 100. Appendix E Miscellaneous

Section 100. ILLUSTRATION D Notice of Codification Changes

NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part: _____ Ill. Adm. Code
- 2) Code Citation: _____
- 3) Effective Date of Rules (Amendments, Repealer): _____
- 4) Date Adopted (Emergency, Peremptory) Rule Appeared in the Illinois Register: _____
- 5) Pursuant to Section 74(b) 5-80 of the Illinois Administrative Procedure Act (Ill. Rev. Stat., ch. 127, par. 4007(b)), the Administrative Code Division has made the following changes in the codification of the above named rule:

The above changes have been made to the rule which is on file in the Administrative Code Division of the Index Department of the Illinois State Library, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

Section 100. Appendix E Miscellaneous

Section 100. ILLUSTRATION F Regulatory Agenda

The following format is to be used for submitting a regulatory agenda for publication in the Illinois Register:

ILLINOIS REGISTER

AGENCY NAME

REGULATORY AGENDA

- 1) Part Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) A description of the rule(s): _____
- 4) Statutory authority Authority: _____
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: _____
- 6) Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: _____
- 7) Information concerning this regulatory agenda shall be directed to: _____

Name: _____

Address: _____

Telephone: _____

Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations?

Other pertinent information concerning this rule (amendment, repealer): _____

NOTE: Only one Part shall be listed per regulatory agenda. Only one regulatory agenda per Part will be accepted for publication in a single issue of the Illinois Register. Also, the information shown above in this illustration shall be underscored to separate it from the agency's responses, with the exception of the agency name and the words "REGULATORY AGENDA" appearing under the solid line.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

Section 100. Appendix E Miscellaneous

Section 100. ILLUSTRATION G Regulatory Flexibility Notice

ILLINOIS REGISTER

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name of Agency:

Heading of the Part:

Code Citation:

Sections Involved:

Notice of Proposal Published in Illinois Register:

_____, _____ Ill. Reg.

Statutory Authority:

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name:

Address:

Telephone:

Other pertinent information regarding these rules:

(Source: Added at 17 Ill. Reg. _____, effective July 1, 1993 _____)

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Federal Family Education Loan Program (FFELP)

2) Code Citation: 23 Ill. Adm. Code 2720

3) Section numbers: Adopted Action:

2720.5 amendment

2720.6 amendment

2720.10 amendment

2720.20 amendment

2720.25 amendment

2720.30 amendment

2720.40 amendment

2720.41 New

2720.42 amendment

2720.50 amendment

2720.55 amendment

2720.60 amendment

2720.70 amendment

2720.80 amendment

2720.90 amendment

2720.105 amendment

2720.120 amendment

2720.130 amendment

2720.200 amendment

2720.210 amendment

2720. App. A amendment

4) Statutory Authority: Implementing Section 80 through 175 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 16, 1993

9) Notice(s) of Proposal Published in Illinois Register:

February 5, 1993, 17 Ill. Reg. 1403

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

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11) Differences(a) between proposed and final version:

Sections 2720.42 (a) (1) and (a) (3) have had additional language inserted for clarification. Subsection (a)(1) now addresses the untimely notification to lenders regarding students' changes in enrollment status and subsection (a)(3) has been changed to allow for late disbursements of loans. The only other changes made to this rulemaking were minor technical in nature and were suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency rule currently in effect? Yes.

The emergency amendments were published on February 16, 1993 at 17 Ill. Reg. 2055.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: References to the Higher Education Student Assistance Law (HESAL) have been changed to the Higher Education Student Assistance Act (HESAA) and statutory citations have been updated to incorporate the new codification scheme of P.A. 87-997. Further, programs administered by the U.S. Department of Education (ED) now have names prefaced with the word "federal" and some minor program name changes have been made in this Part to reflect the federal Higher Education Amendments of 1992 (P.L. 102-325).

A number of changes have been made to Section 2720.6, which includes the definitions for this Part. The definition of "academic year" is broadened to cross-reference the new definition contained in the federal Higher Education Amendments of 1992. A definition of "co-maker" was added to clarify its meaning within Section 2720.40, which has a remainder subsection that deals with co-makers and co-signers. A definition of "consolidation" was added to parallel the definitions already contained in this Part which outline other federal loan programs. The definition of "delinquency" has been amended to coincide with recent changes to federal regulations. A definition of "endorser" was added to clarify its meaning and to reflect the revisions recently made to the regulations governing the Federal Family Education Loan Program, the purpose of which was to amend federal statutory changes dating back to 1985. Additionally, definitions of "full-time" and "half-time" students were added to provide clarification. Finally, the definition of "Stafford" has been amended to

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include reference to both subsidized and unsubsidized loans, the latter of which was authorized by the Higher Education Amendments of 1992.

Sections 2720.10(b)(3) and (4) have been changed to reflect the amendments to the federal Higher Education Act, which automatically designate graduate students as independent and thus are ineligible for PLUS loans. Section 2720.10(f)(1) is updated so that the example given for certifying loans at certain academic levels reflects more recent dates and increased loan amounts. Section 2720.10(g) has had a new sentence added further clarifying what has commonly been referred to as the "211 day rule." This particular provision prevents excessive indebtedness on the part of student borrowers and ensures that loan term dates coincide with published academic terms. Section 2720.25 has been updated to coincide with federal program name changes and the word "educational" has been inserted where appropriate so that there is no confusion between educational lenders and commercial lenders. Section 2720.30(c) has been amended to more accurately reflect the provisions in federal regulations that deal with institutional eligibility. Section 2720.30(f) has been changed to parallel a longstanding federal requirement which provides that applicant and participating schools must establish administrative capability and financial responsibility in order to begin and to continue to participate in federally-administered student financial aid programs. Section 2720.30(g) has been deleted since the federal regulation which required the reporting of graduate employment data has been repealed. Section 2720.30(h), which outlines what schools must do when certifying loans, has been moved from the section dealing with institutional eligibility and inserted at 2720.40(g), which outlines the procedures for obtaining a guaranteed loan. Section 2720.30(i) now requires schools to submit as part of their applications audited financial statements which are verified by independent third parties, rather than profit and loss statements or compiled financial statements which are not as accurate or reliable in assessing the financial viability of an institution. Additionally, reference is made to ISAC administrative appeal procedures for the certification of school applicants that are denied participation in ISAC-guaranteed loan programs. Applicant institutions that have been denied eligibility are required to wait one year to reapply in an effort to forestall incomplete applications and to allow sufficient time for the use of the entire administrative appeal process. Without such a provision, it would be possible for a school to have multiple applications pending simultaneously. Section 2720.30(h) has been added for clarification since ISAC's limitation, suspension and termination proceedings may be used when institutions do not maintain the standards demonstrated in their initial applications or do not comply with federal regulations. Section 2720.40(d) has been deleted since it is the responsibility of lenders to determine the amounts of loans rather than the agencies that guarantee payment.

Section 2720.40(f) had previously contained what had been known as ISAC's "one-lender" and "one-holder" rules. The purpose of these rules was to

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prevent defaulted loans by providing that a borrower need only contact one entity with regard to repayment, deferments, etc. Developed and refined over a period of approximately ten years, the rules became exceedingly complicated and confusing to ISAC clients, many of whom were not intimately familiar with their history or the underlying rationale. Furthermore, the Federal Higher Education Amendments of 1992 applied these policies on a nationwide basis by requiring that a guarantee agency ensure that a borrower has one lender, one holder, and one guarantee agency, to the extent practicable. For purposes of clarification, ISAC has created two new Sections: Section 2720.41 outlines the provisions of the "one-leader" requirements previously included in Sections 2720.40(f)(3) and (f)(4)(B) and Section 2720.42 outlines the provisions of the "one-holder" requirements as previously contained in Sections 2720.40(f)(1), (f)(2) and (f)(4). Further, an exception was added to Section 2720.41 so that allowances can be made when it is not practicable, as per federal law, to follow the "one-lender" rule.

Section 2720.50(d) has been amended to incorporate the insurance premium invoice system which is now another method by which lenders notify ISAC of loan disbursement dates. Section 2720.50(e) has been changed to reflect an amendment in federal law which requires that federal PLUS loan checks be made payable to the institution and the parent borrower. Section 2720.50(f) has been updated since lenders have the ability to prorate multiple loans. Section 2720.50(g) has been updated to reflect changes to Sections 428(b) and 433(a) of the Higher Education Act. Section 2720.50(j) has been added since the Higher Education Amendments of 1992 allow lenders to exercise "administrative" forbearances for loans that fall out of compliance for short periods of time and which do not require the agreement of the borrower.

Sections 2720.55 contains amendments which are proposed for clarification only. Section 2720.60(b) has a sentence added to accommodate loans that are paid on other than a monthly basis. Section 2720.60(d) has a sentence added to clarify when lenders file for preclaim or skip-tracing assistance. Section 2720.70(a) has had the references to Illinois' voucher system removed since it could confuse lenders and result in gross overpayment of interest to a lender for periods in which a loan is out of compliance. Section 2720.70(b) has been updated with regard to bankruptcy claims included changes to Section 437(b) of the Higher Education Act. Section 2720.70(c) has been amended to allow for collection charges that the new "trained" added for clarification. Section 2720.70(g) has had the word "trained" added for clarification. Section 2720.90(a)(2)(c) has been updated so that ISAC may enter into guarantee transfer agreements with authorized agents of the Department of Education or with the Department itself. Section 2720.120(e)(s) has been updated since the Illinois Designated Account Purchase Program (IDAPP) has the ability to purchase loans of borrowers who have unemployment deferments as part of its default prevention program. Section 2720.210(a) has been amended to include references to the federal unsubsidized loan program. Appendix A

to this Part reflects changes that have been made to previous sections of this Part.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel Martinez
Compliance Counsel
Illinois Student Assistance Commission
1735 Lake Cook Road
Deerfield, IL 60015
(708) 948-9500

The full text of the adopted rules amendments begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

FEDERAL FAMILY EDUCATION GUARANTEED LOAN PROGRAMS PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN GUARANTEE PROGRAMS:

THE FEDERAL ROBERT-T. STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,

FEDERAL AND SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,

FEDERAL AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section:

- 2720.5 Summary and Purpose
- 2720.10 Definitions for ISAC Loan Guarantees
- 2720.20 Lender Eligibility for ISAC Loan Guarantees
- 2720.25 Educational Institution Lender Eligibility
- 2720.30 Institutional Lender Eligibility
- 2720.40 Procedures for Obtaining a Guaranteed Loan
- 2720.41 One-Lender Requirement
- 2720.42 One-Holder Requirement
- 2720.50 Procedures for Disbursement and Repayment
- 2720.55 Federal Consolidation Loan Program
- 2720.60 Preclaim Assistance
- 2720.70 Repayment Procedures
- 2720.80 Student Insurance Premium
- 2720.90 Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

- 2720.105 Summary and Purpose
- 2720.110 IDAPP Eligible Loans
- 2720.115 IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

- 2720.200 ISAC Originated Consolidation Loans
- 2720.210 Illinois Opportunity Loan Program (IOP)
- 2720.220 Required Activities of Educational Lenders

AUTHORITY: Implementing Section 80 through 175 of the Higher Education Student Assistance Act (111. Reg. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act (111. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20(f)].

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SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 13234, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendments at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993.

SUBPART A: FEDERAL LOAN GUARANTEE PROGRAMS:

THE FEDERAL ROBERT-T. STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,

FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,

FEDERAL AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.5 Summary and Purpose

- a) The Federal Family Education Guaranteed Loan Programs Program (FFELP) is authorized by Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), and are administered by the United States Department of Education (ED), state governments, guaranty agencies, educational institutions and lenders.
- b) This Part establishes Rules which govern ISAC-Guaranteed Loan Programs. Additional Rules and definitions are contained in the General Provisions part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

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- c) Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), educational institutions and Lenders. This Subpart implements ISAC's discretionary authority as a Guarantee Agency.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2770.6 Definitions

"Academic Year" - For the purposes of this Part, is defined at Section 481(d)(2) of the Higher Education Act, as amended, and at 34 CFR 668.2.

"Co-maker" - One of the two individuals who are joint borrowers on a Federal PLUS Program loan and who are equally liable for repayment of the loan. (See 34 CFR 200.)

"Consolidation" - A federal program which allows borrowers to consolidate a number of loans into one, as authorized by Section 428C of the HEA, as amended.

"Default Status" - The failure of a borrower to make an installment payment when due or to meet terms of the Note, provided this failure persists for 180 days for a loan repayable in monthly installments or 240 days for a loan repayable in less frequent installments under circumstances where ISAC finds it reasonable to conclude the borrower no longer intends to honor the repayment obligation. Such circumstances include, but are not limited to, a refusal to make payment by the borrower.

"Delinquency Status" - The failure of a borrower to make an installment payment when due, provided this failure persists for 30 days; For the purposes of this Part, is defined at 34 CFR 682.411(b).

"Disbursement" - The process of transferring funds from the lender Lender to the borrower. Educational institutions participate in the Disbursement process.

"Educational Lender" - An educational institution which meets the lender Lender eligibility criteria outlined in Section 2720.25.

"Endorser" - A signer of a promissory note who is secondarily liable for the repayment of a loan obligation.

"Federal Regulations" - Regulations promulgated by ED and codified at 34 CFR 668 and 682.

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"FFELP" - The acronym for the Federal Family Education Loan Program, as authorized by Section 421 of the Higher Education Act, as amended, including subsidized and unsubsidized Federal Stafford loans, Federal PLUS loans, Federal SIS loans, and Federal Consolidation loans.

"Full-Time Student" - For the purposes of this Part, is defined at 34 CFR 682.200.

"Half-Time Student" - For the purposes of this Part, is defined at 34 CFR 682.200.

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of Guaranteed Loans. These organizations operate as commercial and Educational Lenders or secondary markets and may purchase ISAC-Guaranteed Loans from approved Lenders. ISAC's Illinois Designated Account Purchase Program (IDAPP) and the Student Loan Marketing Association (SLMA) are examples of approved Holders.

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law. (Ill. Rev. Stat. 1989 1991, ch. 122 144, par. 30-15-14a, et seq. pars. 3125 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/125 through 170].

"Lender" - Defined by Section 435 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1085)

"PLUS" - A Federal program which provides loans to Parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act Law. (111 Rev. Stat. 1989 1991, ch. 122 144, par. 30-15-10 et seq. pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175].

"SIS" - The acronym for the Federal Supplemental Loans for Students Program as authorized by Section 428A of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-1) and Sections 80 through 175 of the Higher Education Student Assistance Act Law. (111 Rev. Stat. 1989 1991, ch. 122 144, par. 30-15-10 et seq. pars. 3080 through 3175) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/80 through 175].

"Stafford" - Subsidized and unsubsidized Federal Stafford Loans to eligible borrowers, as authorized by Sections 427, 428 and 428H of the Higher Education Act, as amended (20 U.S.C.A. 1078) and Sections 80 through 175 of the Higher Education Student Assistance Act (111 Rev. Stat. 1991, ch. 144, pars. 3080 through 3175) (See P.A. 87-997).

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effective September 3, 1992 (110 ILCS 94/280 through 1751).

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 (1993))

Section 2720.10 Eligibility for ISAC Loan Guarantees

- a) Applicants may apply for a loan guarantee by submitting an ISAC approved application form.
- b) Eligibility requirements for Guaranteed Loans are established by Federal Regulations, however, the borrower must be a Resident of the State of Illinois or a parent borrowing on behalf of a student enrolled at an approved institution located in Illinois. For purposes of this Part, a borrower is considered eligible if the Applicant:
 - 1) reports an Illinois address as his/her permanent home address and is Enrolled on at least a half-time basis at an approved postsecondary Institution; or
 - 2) is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois; or
 - 3) is a qualified Parent or legal guardian who reports an Illinois address as his/her permanent home address and is borrowing through the Federal PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled at least half-time at an approved postsecondary Institution; or
 - 4) is a qualified parent or legal guardian borrowing through the Federal PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled on at least a half-time basis at an approved postsecondary Institution located in Illinois.
- c) The student must be Enrolled, or accepted for enrollment, at an approved postsecondary Institution which has certified the Applicant as eligible for a Guaranteed Loan.
- d) An Applicant shall not be disqualified for a loan guarantee by ISAC provided if the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), of Federal Regulations and of this Subpart.
- e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic Year, as specified by Section 428 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078.)

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f) The Institution shall compute a recommended loan amount for each Applicant. No Guaranteed Loan may exceed the Institution's recommended amount.

- 1) When certifying loan eligibility for an Academic Year which will span Academic Levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.

Example: A student desires a Federal Stafford Loan for a two semester period of enrollment beginning 8/26/87 August 20, 1993 and concluding 5/15/88 May 15, 1994. During the fall 1987 1993 Term the student will be a sophomore and during the spring 1988 1994 Term the student anticipates attaining the Academic Level of junior. Prior to the borrower's successful completion of the fall Term, the Institution's recommended loan amount shall not exceed the \$2,625 \$3,500 loan permitted sophomore borrowers.

- 2) Should a student borrow in excess of the permitted loan maximums, the Institution shall terminate the student's eligibility for federal financial assistance for that Academic Year. [See Section 484 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1091).]

g) An applicant who previously received a Federal Stafford, Federal PLUS or Federal SIS loan may be eligible for a subsequent loan provided that 211 days have passed from the beginning loan term date indicated on the previous loan request to the beginning loan term date on the new loan request. The beginning loan term date must coincide with the start of a Term that is published in the school catalog or official class schedule.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 (1993))

Section 2720.20 Lender Eligibility

- a) Lender Agreement
 - 1) All approved Lenders must execute an ISAC Lender-Agreement lender agreement prior to participating in the Federal Stafford, Federal PLUS, Federal SIS or Federal Consolidation consolidation loan programs.
 - 2) Lenders must have received ED approval prior to executing a Lender Agreement.

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- 3) The Lender Agreement shall include provisions requiring Lenders to:

- A) Comply with statutes, Federal Regulations, Rules, and procedures; and
- B) Provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with Federal Regulations. (See Sections 2720.60(a) and 2720.70(c).)
- 4) Lenders and ISAC may agree to electronically transmit and receive data. ISAC shall provide the lender with program documentation and reasonable technical assistance related to electronic data exchange exchanges. ISAC and the Lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than those directly related to the administration of ISAC's Guaranteed Loan programs.

- 5) Termination of the Lender Agreement may be made by either the Lender or ISAC with thirty (30) days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.

- b) Eligible Lenders shall employ an adequate number of qualified persons to administer its responsibilities under the ISAC Rules. In determining whether a Lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

- c) In addition to the provision of subsection (a), the Lender Agreement for insurance companies approved as Lenders shall require:

- 1) advertising and promotional materials consistent with Section 761 of the Illinois Insurance Code (Ill. Rev. Stat. 1989 1991, ch.73, par.761) [215 ILCS 5/49] and 50 Ill. Adm. Code 9093.1 and
- 2) compliance with Article XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 1989 1991, ch. 73, pars. 1028 et seq. through 1041) [215 ILCS 5/421 through 434].

- d) A loan guarantee shall be canceled if the Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Lender for the defaulted loan.

- e) ISAC conducts compliance reviews to determine if approved Lenders

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are complying with Federal Regulations, statutes and Rules.

- f) Lenders wishing to participate in ISAC-guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the Lender's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and state rules and statutes.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2720.25 Educational Institution Lender Eligibility

- a) Educational Lenders must meet the eligibility requirements of Institutions as outlined in Section 2720.30. Institutional Eligibility, and must meet the eligibility requirements established for Lenders as outlined in Section 2720.20, Lender Eligibility.

- b) Illinois educational Institutions shall be approved as Lenders by the Commission if approved by ED and if the following requirements are met.

- 1) The specific materials to be provided by an Institution in seeking approval as an eligible Lender are:

- A) An audited, certified, and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto.
- B) An institutional catalogue, and a statement of the Institution's educational costs and refund policies.
- C) A statement of the Institution's default/delinquency experience as a Lender in the Federal Perkins Loan Program, FFELP, and/or Federal Insured Student Loan

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(FISL) program (20 U.S.C.A. 1071 et seq.) and a release to permit ISAC to solicit further data from ED or the Institution's service agency, if any, with respect to such records.;

- D) A statement which demonstrates the Institution's administrative ability to comply with all servicing requirements of the program.;
- E) Bank and other credit references and a release to permit ISAC to inquire of these references.;
- F) A statement explaining the source of the Institution's lending capital.;
- G) A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years.;
- H) Any other materials which might be requested by ISAC to show the Institution's potential qualifications as a Lender.

2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:

- A) Copy of its student contract;
- B) Description of its admission/sales staff and their functions;
- C) Statement of the Institution's drop-out/completion rates;
- D) Sample of the Institution's advertising materials; and
- E) Description or copies of student complaints filed with the Institution in the last two years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the Institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the Institution's accrediting association.

3) The applications for eligible Educational Lender status in the Programs and the supporting documentation shall be reviewed by ISAC. ISAC staff shall inform the applicant Institution of its proposed recommendations to the Commission prior to the

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meeting at which action on the application will be taken. The Applicant Institution shall also be informed of the recommendation for its annual lending limit, as well as any additions to the Lender Agreement which ISAC feels are prudent in individual instances to protect the default record of ISAC. The Institution shall also be informed that if it is not in agreement with any ISAC staff recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections. If the Institution is approved by the Commission as an Educational Lender, ISAC will execute a Lender Agreement which will include:

- A) The Institution's agreement to abide by the Rules of ISAC;
 - B) A statement of agreement including, or referring to, the list of required activities of educational Lenders labeled as Appendix A of this Part;
 - C) A statement of agreement including, or referring to, the Federal Regulations with respect to loan Disbursements and refund application;
 - D) A statement of agreement including, or referring to, the Federal Regulations definition of "due diligence", and
 - E) An expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.
- c) A loan guarantee shall be canceled if the Educational Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Educational Lender for the defaulted loan.
- d) ISAC conducts compliance reviews to determine if approved Educational Lenders are complying with Federal Regulations, statutes and Rules.
- (Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in Federal Regulations. Eligible postsecondary Institutions include universities, colleges, graduate schools, schools of nursing,

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business, trade, technical, and vocational schools. Correspondence Institutions/programs are not eligible.

- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC's Guaranteed Loan Programs. (See: 34 CFR 668.12 et seq.)

- c) When an approved Institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by Federal Regulations, the Institution's Program Participation Agreement with ED may be terminated. The Institution may have eligibility reinstated by the execution of new Program Participation Agreement Agreements with ED (See e.g.: 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

- d) An Institution may not engage in loan origination activities. This prohibition shall not apply if the Institution has an ED-approved Origination Agreement; provided the agreement is on file with ISAC and the Institution has been approved as an Educational Lender. (See: Section 2720.25 of this Part and 34 CFR 682.601.)

- e) Approved Institutions shall provide ISAC with the current enrollment status of students whom the Institution has certified as eligible borrowers. ISAC shall request enrollment data in accordance with a schedule published on an annual basis.

- f) Applicant and approved Institutions must demonstrate the requisite administrative capability and financial responsibility as defined by Federal Regulations, in order to begin and to continue participation in ISAC Guaranteed Loan programs. (See, e.g.: 34 CFR 668.13 et seq.)

- g) ----- Vocational Institutions shall annually submit graduate employment data to ISAC, as required by 34 CFR 668.14.

- h) ----- When certifying a borrower eligible for a loan guaranteed by the Institution, shall provide ISAC a loan disbursement schedule consistent with Section 428C of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1078-7). Should the Institution fail to provide ISAC a disbursement schedule that is consistent with Federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428C of the Higher Education Act of 1965, as amended.

- g) Institutions wishing to participate in ISAC Guaranteed Loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the State of Illinois demonstrating

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authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; audited financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be decided determined by an examination of these application materials and a determination of compliance with federal laws and regulation and state statutes and rules. Institutions may appeal an administrative decision denying participation or limiting eligibility in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70.) Institutions denied participation shall be eligible to reapply one year from the date of the initial ISAC letter denying eligibility.

- h) Institutions not maintaining the standards of administrative capability or financial responsibility demonstrated in their original applications for participation, or required by Federal Regulations, may be subject to administrative limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2770.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement. All promissory notes must be in a form furnished or approved by ISAC. No alteration or substitution may be used.
- b) All loans are made at the lender's discretion. When a lender rejects a borrower's application/promissory note, the lender shall issue a Notice of Non-acceptance form to the borrower.

- 1) Should an Applicant be unable to secure an ISAC-Guaranteed Loan from an approved lender, ISAC shall refer the Applicant to a lender who has indicated a willingness to issue a Guaranteed Loan.

- 2) An Applicant must submit to ISAC a written request for a lender referral. The request must include copies of three written notifications from approved lenders that indicate a refusal to approve a loan application.

- c) The availability of an ISAC-Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.

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d) --- No Stafford Loan of less than \$150 shall be made by a Lender --- A minimum loan amount of \$500 applies to PLUS and SLS --- See Section 2720.10(f) for loan maximums.

d-e) The application/promissory note must be signed in ink. Signature stamps shall not be used.

f) --- Within any one of ISAC's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same Lender or Holder.

i) --- Notwithstanding the residency requirements of Section 2720.10(i), if a Lender receives an application/promissory note, and the borrower has outstanding ISAC Guaranteed Loans(s) with that lender or a prior lender, the following provisions apply:

A) --- A subsidized Stafford Loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed subsidized Stafford Loans.

B) --- A non-subsidized Stafford Loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed non-subsidized Stafford Loans.

C) --- A PLUS loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed PLUS Loans made on behalf of the same student.

-----D) --- A SLS loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed SLS Loans made by another commercial Lender.

E) --- A loan made by an educational Lender will be guaranteed if the Lender is an educational institution at which the borrower is currently enrolled and the borrower has previously made a good faith effort to obtain a loan from a commercial Lender pursuant to Federal regulations. (See 34 CFR 682.601 (1990)).

2) --- If the Lender has sold the Applicant's previous ISAC Guaranteed Loan(s) to an approved Holder, the Lender shall sell all renewal loans to that same Holder no later than the last day of the third month of the grace period or no later than thirty days after the Lender became aware that the

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student ceased to be enrolled on at least a half-time basis. (See Section 2720.130(d)).

(A) --- Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.

(B) --- A guarantee may be reinstated if, within 90 days of identifying a loan in violation of subsection (f)(2) above, the Lender sells the loan to the eligible Holder who purchased the Applicant's previous loan(s).

i) --- Initiation of the sale procedure within 90 days will retroactively reinstate the guarantee to the date the guarantee was lost due to a violation of subsection (f)(2) above, provided no other violation of federal regulation or State rule exists.

ii) --- Failure to initiate the sale of the loan within 90 days of identifying the violation will result in loss of guarantee.

3) --- If a commercial Lender made the Applicant's previous ISAC guaranteed loan(s), a subsequent loan will be guaranteed by ISAC provided the renewal loan is issued by the same commercial Lender that issued the previous loan(s).

4) --- The requirements of subsection (f)(1) above shall not apply if:

(A) --- the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement;

(B) --- the borrower informs ISAC, in writing, that he/she is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.

eg) Co-makers Co-maker and Endorsers Co-signers

1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a Federal PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such institution. The Lender shall not require a co-maker on a Federal SLS loan. At the Lender's option, an

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endorser-a co-signer may be required on any Federal PLUS or Federal SIS loan.

- 2) The Lender shall not require a co-maker or an endorser co-signer on an unsubsidized or a subsidized Federal Stafford Loan nor accept security for payment thereof.

f) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

- g) When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-7) Should the Institution fail to provide ISAC a disbursement schedule that is consistent with Federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993)

Section 2720.41 One-Lender Requirement

- a) All of a borrower's outstanding ISAC-Guaranteed Loans must be made by the same Lender, notwithstanding the residency requirements of Section 2720.10(b) of this Part.

1) ISAC will issue a loan guarantee to a commercial Lender provided that Lender agrees to make all types of Federal Family Education Loans (FFEL) to the borrower which the borrower requests and is eligible to receive, and

- A) the loan is the borrower's first ISAC-Guaranteed Loan;

B) the loan is a subsequent loan and the commercial Lender has issued all of the borrower's previous ISAC-Guaranteed Loans;

C) the loan is a subsequent loan and the commercial Lender holds or has purchased all outstanding ISAC-Guaranteed Loans for that borrower from previous commercial Lender(s), in accordance with Section 2720.42 of this Part; or

D) the loan is a subsequent loan where the borrower has regained eligibility by making six (6) consecutive

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payments on a loan that had previously been defaulted and the commercial Lender has purchased the defaulted Loan from ISAC.

- 2) ISAC will issue a loan guarantee to an Educational Lender provided that Lender agrees to make all types of FFEL to the borrower which the borrower requests and is eligible to receive, and

A) the Lender is an educational Institution at which the borrower is currently Enrolled, and

B) the borrower has previously made a good faith effort to obtain a loan from a commercial Lender pursuant to federal regulations. (See 34 CFR 682.601.)

- b) The requirements of this Section shall not apply if:

1) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEL programs.

2) the borrower informs ISAC, in writing, that s/he is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.

3) the borrower is requesting a subsequent loan and the Lender has made a previous ISAC-Guaranteed loan to that borrower for that loan program with a guarantee date prior to July 1, 1993.

(Source: Added at 17 Ill. Reg. 10506, effective July 1, 1993)

Section 2720.42 One-Holder Requirement

- a) All of a borrower's outstanding ISAC-Guaranteed Loans must be sold by a Lender to the same Holder.

1) If the Lender has sold any of a borrower's previous ISAC-Guaranteed subsidized or unsubsidized Federal Stafford Loan(s) or Federal SIS Loan(s) to an approved Holder, the Lender shall sell all subsequent loans to the same Holder by 90 days prior to the scheduled commencement of repayment of principal and interest, or 60 days following the last disbursement, whichever occurs later, or in the event of untimely notification to the Lender of a student's change in enrollment status, no later than 45 days after the Lender became aware

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that the student ceased to be enrolled on at least a Half-time basis. (See Section 2720.130(d).)

- 2) Subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans and Federal SLS Loans made for loan periods within the same Academic Year must be sold simultaneously.
- 3) If the Lender has sold the Applicant's previous ISAC-Guaranteed Federal PLUS Loans to an approved Holder, the Lender shall sell each subsequent Federal PLUS Loan for that borrower to the same Holder, by no later than the ending loan term date for that loan, or in the case of late disbursement, the subsequent loan must be sold within 45 days following disbursement.

- b) Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.

- 1) A guarantee may be reinstated if within 90 days after identifying a loan in violation of subsections (a)(1), (a)(2) or (a)(3) above, the Lender initiates the sale of the loan to the eligible Holder who purchased the Applicant's previous loan(s).

- 2) Initiation of the sale procedure within 90 days will retroactively restate the guarantee to the date the guarantee was lost due to a violation of subsections (a)(1), (a)(2) or (a)(3) above, provided no other violation of Federal regulation or State rule exists.

- 3) Failure to initiate the sale of the loan within 90 days after identifying the violation will result in a permanent loss of guarantee for that loan. Failure to ultimately sell the loan to the Holder will also result in a permanent loss of guarantee for that loan.

- c) The requirements of this Section shall not apply if:

- 1) the outstanding loans are held by a Holder which has been either declared insolvent by a regulatory agency, has terminated its agreement with ISAC, or has withdrawn from all FFEI programs.

- 2) the borrower informs ISAC in writing that s/he is dissatisfied with the previous Holder's performance and requests that subsequent loans be sold to a different Holder.

(Source: Added at 17 Ill. Reg. 10506, effective July 1, 1993)

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Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in Federal Regulations.
- b) Prior to Disbursement, the borrower(s) shall execute a completed application/promissory note(s) for the principal and interest on the loans. The Lender shall retain the original copy of the application/promissory note.
- c) The Lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower(s)' behalf. The Lender shall not collect or attempt to collect from the borrower(s) or ISAC any portion of the interest on the loan which is payable by ED.

- d) Except for loans pursuant to Section 2720.55, the Lender shall not disburse the proceeds of any loan on the borrower(s)' behalf unless and until the Lender shall have received from ISAC evidence of a guarantee. The Lender shall inform ISAC of all disbursements disbursement dates through submissions of the Lender manifest/insurance premium invoice system.

- e) Federal Stafford, leave Federal PLUS and Federal SLS loan proceeds shall be transmitted directly to the Institution. PLUS loan proceeds shall be delivered to the borrower by the Lender. The Lender shall notify the educational institution of all PLUS Disbursements.

- 1) Federal Stafford and Federal SLS The student loan checks check shall be payable to the student borrower unless the borrower has authorized, in writing, a co-payable loan check. Federal PLUS loan checks shall be co-payable to the Institution and the parent borrower.

- 2) If the proceeds have not been disbursed to the borrower within ninety days after the conclusion of the Term, ISAC approval is required prior to Disbursement. Factors to be considered by ISAC in evaluating the borrower's Disbursement request include whether the delay in Disbursement was avoidable by the borrower, whether the borrower was familiar with the loan application process through prior ISAC borrowing, whether the borrower had difficulty locating a Lender willing to issue a loan, and other extenuating circumstances (e.g., death in the borrower's family).

- 3) If the borrower has withdrawn from enrollment and Federal Regulations require the Institution to submit a refund to the Lender, the refund shall be in the form of a check payable to

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the Lender on behalf of the borrower. The Institution shall provide simultaneous written notice to the student of the refund.

- A) If the Institution fails to issue a timely refund, as defined by Federal Regulations, the Institution shall pay penalty interest.
- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
- C) The penalty interest shall be paid to the Lender or subsequent Holder.

F) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder. If less than all outstanding notes are prepaid, the notes shall be prepaid in the order of their execution dates commencing with the earliest. Unless the borrower requests otherwise, in writing, any prepayment made thereon shall be credited wholly to the principal.

G) The Lender or Holder shall notify the borrower of the date on which the repayment period begins no later than 120 days after the borrower has left the eligible institution. The Lender or Holder shall send a repayment schedule and disclosure statement to a FFELP Staffed borrower no less than 60 days nor more than 240 days before the first payment on the loan is due from the borrower later than 30 days prior to the expiration of the borrower's grace period. The Lender or Holder shall send a repayment schedule and disclosure statement to a PLUS, SLS and consolidation loan (a) borrower no later than 30 days prior to the due date of the first payment.

H) The Lender or Holder shall notify ISAC of payment in full or prepayment in full by the borrower.

I) In accordance with Federal Regulations, the Lender or Holder may extend the maturity date of any note. If the Lender or Holder agrees to extend said note, then the borrower(s) must execute a forbearance agreement. A forbearance agreement may be approved for a period of up to one year at a time.

J) Lenders may exercise administrative forbearances, which do not require the agreement of the borrower, as authorized by Section 428(c)(3)(D) of the Higher Education Act of 1965, as amended, and by Federal Regulations.

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K) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by Federal Regulations. The borrower(s) shall be responsible for submitting to the Lender a completed deferment agreement and any corresponding documentation.

L) ISAC provides Lenders with the forms necessary for servicing their Guaranteed Loan portfolio (e.g., deferment forms, forbearance forms). With advance ISAC approval, Lenders may use non-ISAC forms. ISAC shall approve the use of alternative forms provided the alternative form is ED-approved and is compatible with ISAC's data processing requirements.

M) No note shall be sold or transferred by the Lender except to an ISAC-approved Lender, an ISAC-approved Holder, or ISAC.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2720.55 Federal Consolidation Loan Program

A) ISAC shall guarantee Federal Consolidation consolidation loans pursuant to Section 428C of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-3)

B) Lenders may make Federal Consolidation consolidation loans provided participation in the consolidation loans loan program is authorized by the Lender Agreement. (See: Section 2720.20(a).)

1) ISAC shall initially authorize a Lender to issue no more than \$5,000,000 in guaranteed Federal Consolidation consolidation loans.

2) A Lender may receive additional increments of lending authority provided an ISAC compliance review indicates the Lender is complying with Federal Regulations, statutes and Rules. (See: Section 2720.20(f).)

C) All applications, promissory notes and disclosure statements shall be in a form furnished or approved by ISAC. Lenders shall report to ISAC when a consolidation loan is made.

D) Lenders shall request preclaim assistance and reimbursement on consolidation loans in accordance with Sections 2720.60 and 2720.70.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

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Section 2770 60 Preclaim Assistance

- a) ISAC functions in a supplementary role to assist the Lender or Holder in its collection of a loan that is at least 90 days delinquent. After requesting Preclaim assistance, the Lender or Holder shall continue to proceed with normal collection activity. The following information is requested with the request for assistance, if available:

- 1) Name, social security number, and state driver's license number;
- 2) Employer's name and telephone number;
- 3) Home address and telephone number;
- 4) Identification of the problem;
- 5) Date and amount of each payment;
- 6) Loan amounts; and
- 7) Number of days delinquent.

- b) The request for preclaim assistance must be sent to ISAC no earlier than 80 days after the first date of delinquency and no later than 100 days after the first date of delinquency. For accounts paid less than monthly (e.g., quarterly), the request for preclaim assistance must be filed no earlier than the 140th day of delinquency and no later than the 160th day of delinquency.

- c) For one hundred or more accounts submitted at one time the request for preclaim assistance must be submitted on computer tape, in a format approved by ISAC, from which collection action can begin immediately.

- d) If a borrower's address is unknown, the Lender shall attempt to locate the borrower prior to requesting Preclaim assistance. These attempts shall include written and/or telephone inquiries to the Institution, the borrower at both the school and permanent address and the borrower's references. The Lender shall file for preclaim or skip-tracing assistance when it has completed its skip tracing efforts, or at the 90th day of delinquency for loans paid monthly, or at the 150th day for loans that are paid less than monthly, whichever occurs first.

- e) When a Lender files for preclaims assistance, that Lender is automatically filing for supplemental preclaims assistance (the collection assistance provided by ISAC after the loan is 120 days delinquent).

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993
1993)

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Section 2770 70 Reimbursement Procedures

- a) If a borrower dies or becomes permanently and totally disabled, the Lender or Holder shall request reimbursement from ISAC within 60 days of the Lender's receipt of the borrower's loan cancellation request. Requests for default reimbursement must be submitted to ISAC no earlier than 180 days after the first date of delinquency and no later than 270 days after the first date of delinquency. The Lender or Holder shall be reimbursed, in accordance with Federal Regulations, from the default-advance fifteen (15) days after the Illinois State-Toucher is completed. On Federal PLUS loans all co-makers must meet the default criteria contained in Federal Regulations.

- b) The Lender or Holder must request ISAC reimbursement for a bankruptcy claim in accordance with Federal Regulations. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days of the Lender's receipt of notice that the debt is stayed- loan-is-eligible-for-reimbursement. A copy of the restraining order and the appropriate papers must be included. On Federal PLUS loans, all co-makers must meet the bankruptcy criteria.

- c) Prior to reimbursement, the Lender or Holder must certify compliance with federal due diligence requirements and subsection (f). Prior to reimbursement, the Lender must have remitted the insurance premium established by Section 2770 80.

- d) The Lender or Holder shall forward to ISAC any payments made by or on behalf of the borrower borrowers after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower student. Prior to reimbursement, all original notes must be properly endorsed and submitted to ISAC. If the notes have been erroneously stamped "Paid in Full", or lost, the Lender or Holder shall execute a hold harmless agreement with ISAC.

- e) No fee or charge, other than the maximum interest rate prescribed by ED and the collection charges outlined in Section 682.202 (f) and (g) of Federal Regulations, including the student insurance premium, and the federal loan origination fee, shall be contracted for or received by the Lender; except- that- a- delinquency-charge-is permitted-on-each-installment-for-a-period-of-not-less-than-ten days.

- f) The Lender or Holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by Federal Regulations. (See, e.g., 34 CFR 682.411.)

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- g) ISAC shall collect the outstanding amount on the reimbursed Guaranteed Loan, if the borrower refuses to retire the debt. ISAC shall litigate or assign the account to a licensed collection agency.
- h) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
- 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See: 23 Ill. Adm. Code 2700.40(a)(1)(2).)
- 3) ISAC shall notify a borrower of the possibility of an offset no less than fifteen days prior to the first offset. ISAC shall not provide additional notices of subsequent offsets for the same debt should the borrower dispute the debt and an appeal must be filed within fifteen days of the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.7. If the requested relief is granted, the funds offset shall be returned to the borrower.
- 4) Funds eligible to be offset include, but are not limited to, state income tax refunds and the wages of state employees.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2770.80 Student Insurance Premium

- a) ISAC charges each borrower an insurance premium on each Guaranteed Loan. The premium is collected by the Lender and must be remitted to ISAC by the tenth day of the second month following Disbursement.
- b) The amount of the premium collected on each loan shall be no greater than 3 percent of the principal amount of the loan. The exact amount of the insurance premium shall be computed by ISAC and disclosed to the borrower on the notice of guarantee/disclosure statement. The rate of the insurance premium shall be determined by resolution of the Commission. When establishing the rate of the insurance premium, the factors to be considered by the Commission include: the solvency of the Student Loan Revolving Fund, projected application volume, and the deadlines of payments from ED pursuant to the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1071 et seq.)

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- c) No refunds of insurance premiums shall be made to the borrower after the check representing the proceeds of the loan has been endorsed by the borrower unless the loan check is returned uncashed to the lender or the loan is repaid in-full within 120 days of disbursement.
- d) The insurance premiums shall be deposited in the Student Loan Revolving Fund. In accordance with Federal Regulations, such proceeds may only be used to reimburse lenders for defaulted Guaranteed Loans, to pay for the administrative expenses of ISAC or to pay the reinsurance fee assessed by the Department of Education.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2770.90 Guarantee Transfers

- a) ISAC may transfer loan guarantees to or from another guarantor, as specified in Section 428(b)(2)(E) of the Higher Education Act of 1965 (HEA), as amended: (20 U.S.C.A. 1078(b) (4996)), provided:

- 1) the loan guarantees are insured (see Section 428(b) of the HEA);
- 2) an agreement has been entered into between ISAC and
 - A) the other guarantee agency,
 - B) an agent of the guarantee agency, who has been approved by the U.S. Secretary of Education, or
 - C) the U.S. Secretary of Education or an agent thereof;
- 3) the transfer has been approved by the Holder of the loan.

- b) Notwithstanding any provision of Section 2770.42 2770.40(f), regarding all loans being held by one holder, a loan guarantee may be transferred to ISAC from another guarantee agency.

- c) Notwithstanding any provisions of Section 2770.10, regarding residency requirements for eligible borrowers, a loan guarantee may be transferred to ISAC from another guarantee agency.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

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SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section 2720.105 Summary and Purpose

a) The Commission provides a secondary market for education loans ISAC Guaranteed Loans through the Illinois Designated Account Purchase Program (IDAPP). ISAC's secondary market reduces the administrative expenses of lenders and increases the availability of Guaranteed Loans.

b) The Illinois-Designated Account Purchase Program (IDAPP) Through IDAPP, ISAC purchases eligible loans from IDAPP-eligible lenders. Sales to ISAC are conditional upon the execution of a contract between the eligible lender and ISAC, and the eligible lender's good faith compliance with the contract.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2720.120 IDAPP Eligible Loans

a) Original Contract Program

1) ISAC will purchase Staffed Loans Guaranteed Loans which are no more than 90 days delinquent on installments of principal or interest and Staffed Loans Guaranteed Loans for which the borrower has failed to meet other contractual obligations. Loans in default are not eligible for purchase and should be submitted for reimbursement in accordance with Section 2720.70.

2) Under this program ISAC will also purchase Staffed Loans Guaranteed Loans in deferred status because of the borrower's unemployment or which have been granted a forbearance by the Lender.

3) All accounts submitted for purchase must have an annual cumulative average loan size of at least \$2,000.

b) The Lender must be in compliance with Federal Regulations and ISAC Rules up to the date of the sale. ISAC will decline to purchase any account if the Lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements.

c) If a Lender requests ISAC to purchase an account that was previously rejected for purchase by a different secondary market, ISAC will purchase the account only if the loan is current (not in delinquency status non-delinquent) and has an outstanding balance of at least \$3,500.

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d) In cases where a borrower's loan is held by ISAC and the borrower requests a renewal loan, and where such borrower has established a satisfactory relationship with ISAC, the original Lender must agree to make the renewal loan to the borrower with the understanding that such loan will be purchased by ISAC to consolidate the student's indebtedness. (See: Section 2720.42 2720.40(f)(2).)

e) Default Prevention Program

1) In cases where a Lender executes a contract authorizing participation in the Default Prevention Program, ISAC will purchase the additional types of Guaranteed Loans specified in subsection (e)(2) below of this Section. All accounts submitted for purchase must have an annual cumulative average loan size of at least \$3,500.

2) ISAC will purchase the following additional types of Guaranteed Loans:

- A) all deferred loans other than unemployment-deferments;
- B) loans from borrowers who have moved;
- C) loans from borrowers who have failed to respond to the Lender's written inquiry;
- D) loans from graduate student borrowers; and
- E) loans that do not fall under any preceding criteria classification.

f) Upon the sale of an account to ISAC, the Lender shall report the transfer of ownership to the credit reporting agency utilized by the Lender. The Lender shall not advise the borrower's credit rating.

g) ISAC may also purchase eligible loans as defined in Section 135 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3133) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947.135].

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2720.130 IDAPP Eligible Lenders

a) Prior to submitting accounts for purchase, the lender and ISAC must execute an IDAPP contract. The contract requires lenders to comply with statutes, Federal Regulations, Rules and procedures.

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b) ISAC will purchase loans only from those Lenders who have no inappropriate relationships with the educational institutions certifying the loan. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial Lenders and Institutions which are not permitted by law or Federal Regulation (34 CFR 682.205 (1983)) and/or of such nature that all educational Institutions or all Lenders under similar circumstances would not receive similar terms, conditions, or services from the Lender.

c) If it appears that the Lender has violated one or more of the ISAC Rules, in the handling of any account, and if such violation contributed to the delinquent status of the account, ISAC will decline to purchase the account.

d) The Lender aware date of delinquency will be:

- 1) Date Lender received notice from school, borrower or ISAC, that the borrower has a revised last date of attendance;
- 2) Date returned mail from a borrower(s)' address was received;
- 3) Date information is received from borrower(s), student, spouse, or Parent that repayment will not be forthcoming; or
- 4) Maturity date of Note, deferment, or payment due and not paid date.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

SUBPART C: ISAC ORIGINATED LOANS

Section 2720.200 ISAC Originated Consolidation Loans

a) ISAC shall serve as a direct Lender of Federal Consolidation consolidation loans in accordance with Section 2720.55, Federal Consolidation Loan Program.

b) A recipient of an ISAC-originated Federal Consolidation--a consolidation loan must be an eligible borrower as established by Section 4280 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078-3.) Subject to the availability of funds, no eligible borrower shall be denied a Federal Consolidation consolidation loan by ISAC.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

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Section 2720.210 Illinois Opportunity Loan Program

a) ISAC shall may serve as a direct Lender of non-subsidized Federal Stafford Loans through the Illinois Opportunity Loan Program.

b) Each recipient of an Illinois Opportunity Loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078 et seq.)

c) In addition to the eligibility criteria established by Federal law for all Federal Stafford loan borrowers, each recipient must satisfy the following requirements to receive an Illinois Opportunity Loan.

- 1) Each borrower must be a Full-time student who is Enrolled in a degree program. The borrower must be classified at an Academic Level of sophomore or above in the degree program. The Institution shall verify the borrower's enrollment status prior to disbursement.
- 2) Each borrower must be a Resident of Illinois. For purposes of this Part, an Applicant for an Illinois Opportunity Loan is a Resident of Illinois notwithstanding the Applicant's temporary absence from the State in order to enroll at an out-of-state Institution.
- 3) The Illinois Opportunity Loan Program shall have a minimum loan size of \$1000 per Academic Year.
- 4) No Applicant may receive an Illinois Opportunity Loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No Applicant may receive an Illinois Opportunity Loan unless the Institution's financial aid administrator determines the borrower needs an Illinois Opportunity Loan to finance his/her education. (See, e.g., Title IV, Part F of the Higher Education Act of 1965, as amended. (See-20 U.S.C.A. 1087 kk et seq.))

d) The receipt of an Illinois Opportunity Loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine Applicant eligibility on the basis of an application receipt date or the term of study for which the loan is being requested, or both.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

Section 2720. APPENDIX A Required Activities of Educational Lenders

1. The Educational Lender must act as a "lender of last resort" and

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demonstrate such capacity by requiring each inquiring borrower to first seek loans from other eligible commercial lenders pursuant to Federal Regulations (See 34 CFR 682.601).

2. The Educational Lender shall be subject to Section 2720.41, ISAC's one-lender requirement and Section 2720.42, ISAC's one-holder requirement subsection 2720.40(f)(1)(E).
3. The Educational Lender must agree not to use in written materials or personal interviews any phraseology which would tend to devalue the seriousness of a borrower's indebtedness and its accompanying responsibilities.
4. The Educational Lender must agree that each borrower shall receive a personal interview with an employee of the institution who is not associated with any admissions or recruitment function and who deals with the borrower solely on loan and credit matters, assuring that the borrower does not identify that person in any way with student grants or other forms of aid.
5. The Educational Lender must agree to conduct an exit interview with each borrower when (s)he terminates enrollment.
6. The Educational Lender must verify continued attendance of borrowers.
7. The Educational Lender must agree to comply with the Disbursement and refund policies set forth in Federal Regulations.
8. The Educational Lender must contract for the servicing and collection functions of its portfolio with a professional student loan service corporation and the Educational Lender must demonstrate that it has staff and facilities to service its own student loans.
9. The Educational Lender must agree that during the repayment periods of its borrowers the borrowers shall be eligible for a deferment or forbearance principal payment for a reasonable period of time, not to exceed one year, without the permission of the guarantor, during periods of extreme financial hardship caused by unemployment, illness, etc.
10. The Educational Lender must agree to allow the borrower to select the equal monthly payment which, within statutory boundaries, would best suit his/her needs.
11. The Educational Lender may not pledge the notes evidencing these borrower loans as security or collateral except to another lender approved by ISAC and then only by prior permission in each instance. Permission must be requested in writing and, if approved,

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permission shall be granted in writing.

(Source: Amended at 17 Ill. Reg. 10506, effective July 1, 1993 1993)

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1) The Heading of the Part: General Provisions

2) Code Citation: 23 Ill. Adm. Code 2700

3) Section numbers: Adopted Action:

2700.20 amendment

2700.30 amendment

2700.40 amendment

2700.50 amendment

2700.55 amendment

2700.60 amendment

2700.70 amendment

4) Statutory Authority: Implementing the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3001 et seq.) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.) as amended by P.L. 102-325; and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)). (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 16, 1993

9) Notice(s) of Proposal Published in Illinois Register:

February 5, 1993, 17 Ill. Reg. 1385

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version:

The only changes made in this rulemaking were minor technical corrections suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

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15)

Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: References to the Higher Education Student Assistance Law (HESAA) have been changed to the Higher Education Student Assistance Act (HESAA) and statutory citations have been updated to incorporate the new codification scheme of P.A. 87-997. Section 2700.20 now includes a separate definition for "dependent student," which had previously been included in the definition of "independent student." The Section contains a separate definition of "foreign missionary," which had been previously a part of the definition of "resident of Illinois." The term "gift assistance" has been clarified to include federal, state, institutional and private aid. The definition of "guaranteed loan" has been amended to reflect the federal Higher Education Amendments of 1992 (P.L. 102-325). The definition of "resident of Illinois" has been changed for dependent students to address an ambiguity in existing rules. As provided for in the proposed amendments, in order for a dependent student to qualify as an Illinois resident, the parent of that student who completes and signs the student's financial aid application must be a resident of Illinois. Conversely, a dependent student will not be regarded as an Illinois resident if he or she has a noncustodial parent who resides in Illinois if that parent is not considered the "responsible parent" for federal financial aid purposes. Section 2700.40(1)(A) has been updated in accordance with Section 428C of the federal Higher Education Act, as amended, which allows consolidation of delinquent or defaulted loans. If such loans are consolidated, the borrower reestablishes eligibility for federal loans. Section 2700.40(1)(B) has been amended for delinquent or defaulted borrowers who take advantage of this option to reestablish their eligibility to be considered for ISAC-administered gift assistance. Section 2700.50(f) has been added to ensure that institutions verify Illinois residency for students who were not enrolled in an Illinois institution for the previous regular school year and who are considered to be independent for financial aid purposes.

16)

Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section

2700.10 Summary and Purpose

2700.20 Definitions

2700.30 General Institutional Eligibility Requirements

2700.40 General Applicant Eligibility Requirements

2700.50 Determining Applicant Eligibility

2700.55 Electronic Data Exchanges

2700.60 Audits and Investigations

2700.70 Appeal Procedures

AUTHORITY: Implementing the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3001 et seq.) (See P. 87-997, effective September 3, 1992) [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.), as amended by P.L. 102-325; and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989; at 13 Ill. Reg. 17854, amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 1206, effective July 1, 1992; emergency amendment at amended at 17 Ill. Reg. 10541, effective July 1, 1993.

Section 2700.20 Definitions

"Academic Level" - The classification of a student as freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - A twelve month period of time, normally from August or September of any year through August or September of the ensuing year.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

"Chargeback" - Payment of tuition by the community college district

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of a student's residence to the community college district of a student's attendance. (Ill. Rev. Stat. 1989 1991, ch. 122, par. 106-2.) [110 ILCS 805/6-2].

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"Commission" - The nine member Illinois Student Assistance Commission created by Section 13 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1989 1991, ch. 122 144, par. 30-15-3 3015) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/11].

"Concurrent Registration" - The contemporaneous maintenance of enrollment at two or more institutions.

"Consortium Agreement" - The written agreement between an institution eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2700.30 and subsequent Parts of the ISAC Rules) and another institution whereby the second institution provides all or part of the education program of students enrolled in the eligible institution. ISAC reserves the right, after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final gift assistance payment(s).

"Dependent Student" - A scholarship, loan or grant applicant or recipient who is not classified as an independent student.

"ED" - The acronym for the United States Department of Education.

"Eligible Non-citizen Noncitizen" - For the purposes of these Rules, eligible non-citizen noncitizen is defined as non-citizens noncitizens eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091 (1990) 1990). This definition does not include any later amendments or editions.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Foreign Missionary" - A "Foreign Missionary" is defined as an individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been

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engaged in placing Foreign Missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" - An individual enrolled for twelve or more credit hours, for either a semester or quarter term.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver, including but not limited to, federal, state, institutional and private aid.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Guaranteed Loans" - Loan assistance through the Federal Family Education Loan Program (FFELP) which includes the Robert T. Federal Stafford Loan Program, the Federal PLUS Loan Program, the Federal Supplemental Loans for Students (SLS) Program, or and the Federal Consolidation Loan ~~consolidation~~ loan program programs.

"Half-time Student" - An individual enrolled for six or more credit hours (but less than twelve credit hours) for either a semester or quarter Term.

"Independent Student" - For the purposes of these Rules, independent student is defined by Section 480 of the Higher Education Act of 1965, as amended by P.L. 102-325, (See 20 U.S.C.A. 1087(v)(3)-(1990)). A non-independent student is referred to as a dependent student dependent Student. ~~This definition does not include any later amendments or editions.~~

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"ISAC" - The acronym for the Illinois Student Assistance Commission; the administrative agency created by Section 30-15-4 15 of the Higher Education Student Assistance Law Act (Ill. Rev. Stat. 1989 1991, ch. 122 144, par. 30-15-4 3015-1) (See P.A. 87-997 effective September 3, 1992) (110 ILCS 947/15) to administer the State's student assistance programs.

"Mandatory Fees" - The charges assessed by an institution to each and every Full-time student for each term. Application, graduation, laboratory, breakage and add/drop fees are specifically excluded. For the purposes of these Rules, Tuition is not a Mandatory Fee.

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"Parent" - For the purpose of these Rules, "Parent" is defined at 34 CFR 668.2 (1990). ~~This definition does not include any later amendments or editions.~~

"Pell Grant" - A Federal Gift Assistance ~~gift~~ assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1070a et seq.)

"Regular School Year" - An eight to nine month period of time which includes two semester Terms or three quarter Terms. The regular school year excludes summer Terms. Programs that begin after April 15 and before August 16 are considered summer Terms.

"Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"Remedial Courses" - The coursework that prepares a student for study at the postsecondary level and must be necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A non-independent student Dependent Student is a Resident of Illinois if a-the Parent of the dependent-Applcant who is required by the instructions to complete the Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois.

An Independent Student is a Resident of Illinois if the Applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of twelve continuous months immediately prior to September 1 of the Academic Year for which assistance is requested.

When an Applicant does not qualify as a Resident of Illinois under the preceding two subsections and the Applicant is a member of the U.S. Armed Forces or a Foreign Missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a Foreign Missionary, then the Applicant's residency shall be determined in accordance with this subsection.

An Applicant who is a member of the U.S. Armed Forces will be a Resident of Illinois if the Applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months of the conclusion of enlistment and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

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An Applicant who is a Foreign Missionary will be a Resident of Illinois if the Applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months of the conclusion of missionary service, and demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-Applicant shall be a Resident of Illinois notwithstanding the Parent(s) temporary physical absence from Illinois provided the Parent(s) would be a Resident of Illinois under the preceding two subsections.

The spouse-Applicant shall be a Resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the Applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-Applicant's domicile continues to be the State of Illinois.

A "Foreign-Missionary" is defined as an individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing Foreign-Missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Rules" - The rules of the ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091.)

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by a postsecondary institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants Applicants.

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The procedures are established by 34 CFR 668 et seq. (1990) and by these Rules. This definition does not include any later amendments or editions:

(Source: Amended at 17 Ill. Reg. 10541, effective July 1, 1993 1993)

Section 2700.30 General Institutional Eligibility Requirements

a) Program Participation Agreement

1) All Institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC Gift Assistance Programs.

2) The Program Participation Agreement shall identify the ISAC programs under which the Institution's students may receive benefits.

3) The Agreement shall include provisions requiring Institutions to comply with statutes, Rules and Regulations.

4) The Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790. Limitation, Suspension or Termination Proceedings.

b) With respect to ISAC student assistance programs, Institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.

c) Institutions shall be subject to possible Limitation, Suspension or Termination of eligibility for failure to comply with statutes, Regulations, Rules, or procedures. (See: 23 Ill. Adm. Code 2790.)

d) Postsecondary Institutions which participate in Gift Assistance Programs shall annually submit to ISAC a copy of both their Satisfactory Academic Progress Policy and their Tuition Refund Policy. Public postsecondary Institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary Institutions which participate in Gift Assistance Programs shall annually report their tuition and fee charges, as well as advance payment requests, to ISAC on or before June 1 preceding each Academic Year.

1) Failure to report any cost changes by the deadline will cause

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the prior year's charges to be used as part of the calculation process for student assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC Gift Assistance Programs.

- 2) The report shall match specific fee charges with the Gift Assistance program(s) which may finance the fee. Such categorizations by the Institution shall not be considered ISAC approval.

- 3) The National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See: 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)

- A) Example: One fee finances both Tuition and text book expenses. Only the portion of the fee which is attributable to Tuition expenses may be financed with program benefits.

- B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the Institution's chief fiscal officer.

- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations, and evaluation instruments.

- g) Additional institutional eligibility requirements are contained in subsequent Parts of the ISAC Rules.

- h) Postsecondary Institutions may apply to participate in ISAC-Guaranteed Loan programs in accordance with 23 Ill. Adm. Code 2720.

- i) Postsecondary Institutions may apply to participate in ISAC Gift Assistance programs in accordance with this subsection.

- 1) The Commission approves participation in ISAC student assistance programs for an Institution rather than for specific academic programs within an Institution.

- A) When requesting payment of benefits, Institutions shall certify (in accordance with ISAC Rules and/or Federal Regulations) whether enrollment in a particular academic program qualifies the announced recipient to claim ISAC administered benefits.

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- B) Students Enrolled in academic programs while incarcerated are ineligible for ISAC Gift Assistance benefits.

- 2) Prior to applying for participation in ISAC programs, the institutional Applicant must have authority to operate a postsecondary institution in Illinois. (See: 23 Ill. Adm. Code 1030.)

- 3) Institutional Applicants which are fully accredited by the North Central Association and have degree-granting authority shall be approved to participate in ISAC student assistance programs provided the Institution meets the requirements of subsections (i)(4)(C) & (D) below.

- 4) Institutional Applicants which do not meet the requirements of subsection (i)(3) above shall be approved to participate in ISAC student assistance programs if the Institution has:

- A) obtained candidate status for North Central accreditation.

- B) applied for and is seeking degree-granting authority.

- C) obtained at least three letters indicating the transferability of academic credit from the Applicant Institution to other Institutions. The letters must be from Institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. (See: 23 Ill. Adm. Code 2735.60.)

- D) an adequate number of qualified persons to administer their responsibilities under ISAC Rules. In determining whether an Institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the Institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the Institution.

- 5) Once approved to participate in ISAC student assistance programs by the Commission, an Institution shall receive provisional eligibility for a minimum of five academic years.

- A) On or before June 1 preceding each Academic Year, an Institution with provisional eligibility shall annually submit three letters indicating the transferability of academic credit to other Institutions for the following

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Academic Year. These letters must be from ISAC-approved MAP Institutions which are fully accredited by the North Central Association.

- B) An Institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the Institution meets the requirements of subsection (1)(3) above and if there are no outstanding audit exceptions.

- J) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED. (See: Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094).)

(Source: Amended at 17 Ill. Reg. 10541, effective July 1, 1993 1993)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an Applicant with a defaulted Guaranteed Loan or a defaulted Perkins Loan (20 U.S.C.A. 1087aa) is not eligible for benefits under ISAC-administered programs.

- 1) Eligibility for future terms may be reinstated in accordance with the following provisions:

- A) Eligibility for ISAC-Guaranteed Loans will be reinstated when the debt has been paid in full or if in delinquency status or default status, the borrower will enter repayment through loan consolidation pursuant to Section 428C(a)(3) of the Higher Education Act of 1965, as amended. (See Consolidation Loans, Section 419 of the Higher Education Act Amendments of 1992, P.L. 102-321).

- B) Eligibility for ISAC-administered Gift Assistance will be reinstated when the Applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) above. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the Applicant, and the frequency of the Applicant's contact with ISAC.

- 2) An Applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by

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subsection (a)(1)(B) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

- b) No Applicant shall receive ISAC-administered assistance if the Applicant owes a refund for any ISAC-administered Gift Assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (SEOG) (20 U.S.C.A. 1070(b)).

- c) An Applicant shall, upon request, provide documentation to establish and verify eligibility. (See: Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.

- d) An Applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

- e) All Applicants must submit their Social Security Number.

- f) Recipients who cease to be Residents of Illinois after notification of eligibility may complete the Academic Year with the assistance awarded.

- g) Unless otherwise provided, benefits under Gift Assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly. Benefits under Gift Assistance programs are generally limited to the Regular School Year. If funding is available, assistance for summer Terms shall be awarded separately.

- h) When Gift Assistance eligibility is limited to a specified number of Term payments, the eligibility cap is calculated in accordance with this subsection.

- 1) For each semester Term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter Term of full-time payment benefits, the recipient is assessed four eligibility units.

- 2) For each Term of half-time payment benefits, one-half of the above eligibility units is assessed.

- 3) Sixty eligibility units are the equivalent of payments for ten semesters/fifteen quarters of full-time benefits.

- 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.

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i) An Applicant shall submit Selective Service registration compliance documentation to the postsecondary Institution as required by 34 CFR 668.31 et seq.

j) Except for grants pursuant to 23 Ill. Adm. Code 2730 and 23 Ill. Adm. Code 2733, an Applicant must be maintaining Satisfactory Academic Progress in accordance with the Institution's policy.

(Source: Amended at 17 Ill. Reg. 10541, effective July 1, 1993)

Section 2700.50 Determining Applicant Eligibility

a) The evaluation of Applicant eligibility is the responsibility of both the Institution and ISAC.

b) No Applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.

c) When requesting payment for ISAC programs, the postsecondary Institution must certify that the applicants are eligible recipients. If an Institution subsequently determines a student is ineligible for the awarded assistance, the Institution must inform ISAC and submit the appropriate refund.

d) If an Institution erroneously certifies an Applicant to be eligible, ISAC will recover the erroneous payment from the Institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an Institution Institution must tender restitution to the Institution to be eligible for ISAC assistance at that Institution.

e) If an Applicant is selected for Verification in conjunction with federal student assistance, that Applicant shall also be verified for ISAC-administered programs. A selected Applicant must be verified for ISAC programs even if the Applicant is ineligible for federal student assistance.

f) Institutions must verify Illinois residency, as defined in Section 2700.20 of this Part, for students who were not enrolled in an Illinois Institution for the previous Regular School Year and who are classified as Independent Students.

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g) Because ED Verification procedures do not include procedures for verifying a student as a Resident of Illinois, the following provisions shall be followed by the Institutions.

1) Residency status shall be verified for each Applicant who is selected for Verification and meets one of the following criteria:

A) the Applicant has changed dependency status and has become an Independent student; or

B) the Applicant has not been Enrolled in an ISAC-approved MAP Institution or an ISAC-approved Illinois High School (see Section 2700.30) during the preceding twelve months; or

C) the Institution has any information which indicates the Applicant may not be a Resident of Illinois.

2) A valid income tax return, federal or state, may provide proof that an Applicant (or Parent) is an Illinois Resident as defined in Section 2700.20.

3) If an Applicant (or Parent) is not required by law to file an income tax return, or if the tax return does not provide proof of Illinois residency, one or more of the documents listed below may provide proof of residency. For an Independent Student Applicant, the dates recorded on the documents must indicate the Applicant has resided in Illinois for the relevant twelve continuous months.

- A) Illinois High School transcript
- B) Illinois Driver's License
- C) Utility or rent bills in the Applicant's (or Parent's) name
- D) Illinois Auto Registration card
- E) Residential lease
- F) Wage and Tax Statements (IRS Form W-2)
- G) Statement of benefits history from the Illinois Department of Public Aid
- H) State of Illinois Identification Card issued by the Secretary of State.

4) If an Applicant is a Resident of Illinois, but the Institution cannot document this fact in accordance with subsections (f)(2) and (3) above, the Applicant or the Institution may verify residency through ISAC's appeal process. (See: Section 2700.70.)

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bg) Institutions may request first term payment even though Verification is not yet complete. If, after Verification, an ISAC payment adjustment is appropriate, Institutions must submit the appropriate refund. If Verification is not completed within 60 days after the conclusion of the Regular School Year, the Institution shall return the first term payment to ISAC. For other than the first term of eligibility in an Academic Year, the Verification process must be completed before the Institution may request payment.

ih) When an Institution adjusts an Applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.), the Institution shall retain documentation which demonstrates the appropriateness of such adjustment.

(Source: Amended at 17 Ill. Reg. 10541, effective July 1, 1993, 1993)

Section 2700.55 Electronic Data Exchanges

a) ISAC will provide eligible Institutions and Lenders with electronic data regarding Applicants. In return, Institutions and Lenders will provide ISAC with electronic data on Applicants as required by these Rules.

b) Information on the availability of electronic data exchanges shall be provided in ISAC publications. To participate in electronic data exchanges, the Institution or Lender shall:

- 1) meet the eligibility guidelines established by ISAC;
- 2) execute a written agreement with ISAC, outlining the conditions of participation; and
- 3) select a machine readable medium for teletransmission.

Information on the availability of electronic data exchanges shall be provided in ISAC publications:

c) In the event the medium is lost, damaged, mutilated or erased, the party responsible shall bear the cost of replacing or restoring the medium.

d) ISAC shall provide program documentation and reasonable technical assistance related to data exchanges. The data and program documentation shall be confidential and shall not be used, sold, or shared for any purpose other than those directly related to the internal operations of the Institution, Lender, or ISAC.

e)

Institutions and Lenders participating in direct teletransmission data exchanges shall be provided with security procedures including access codes and passwords. Institutions and Lenders shall be responsible for implementing appropriate safeguard procedures to protect the integrity of the data transmitted or received.

f)

Institutions and Lenders shall comply with all applicable Federal and state laws which regulate the privacy of, and access to, Applicant data. (See: e.g., The Family Educational Rights and Privacy Act (20 U.S.C.A. 1222g); The Freedom of Information Act (51 U.S.C. 552); 111. Rev. Stat. 1989 1991, ch. 116, pars. 201 et seq.) [5 ILCS 140.1; Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094); and 34 CFR 682.610.]

g)

To be eligible to participate in ISAC electronic data exchanges an Institution or Lender shall submit an application to ISAC which shall include, but not be limited to, information regarding default rates, previous program reviews and audits, compliance with rules and regulations, the numbers of years in financial aid programs and items demonstrating administrative capability and financial responsibility. Participation shall be determined by eligibility guidelines established and published by ISAC on an annual basis. (See 23 Ill. Adm. Code 2720.20 and 2720.30.)

(Source: Amended at 17 Ill. Reg. 10541, effective July 1, 1993, 1993)

Section 2700.60 Audits and Investigations

a)

ISAC shall audit participating postsecondary Institutions. Postsecondary Institutions shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the Institution is experiencing difficulty meeting the requirements of these Rules or Federal Regulations, or discrepancies in past audits conducted by ISAC. Institutions with provisional eligibility shall be audited annually, schedule permitting. Secondary Institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.

b)

ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED Verification Procedures.

c)

ISAC audits shall be conducted in accordance with generally accepted

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audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.

- d) The Institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the Institution's chief executive officer.

Audit findings may be appealed in accordance with Section 2700.70, Appeal Procedures.

- e) If an audit identifies student assistance funds which were claimed on behalf of ineligible students, the funds shall be deducted from subsequent payments to the Institution.

- f) ISAC may visit Institutions to conduct investigations related to fraud and abuse of ISAC programs. Campus administrators and/or campus security police may be consulted as part of any on-going investigation.

(Source: Amended at 17 Ill. Reg. 10541, effective July 1, 1993 1993)

Section 2700.70 Appeal Procedures

- a) Complainants (including Applicants, Institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days of the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days of an administrative decision, including administrative decisions rendered under subsections (d) and (e) below, the complainant forfeits all appeal rights.

- b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within fifteen working days of receipt of the appeal.

- 1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).

- 2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, Rules and Regulations relevant to the issue appealed.

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- c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50(f)(4) (e.g., (4) (Illinois residence) and 23 Ill. Adm. Code 2760.40(a) (State Scholar designations), Applicant appeals shall not be written or submitted by a Lender lender or an Institution. A Lender lender or an Institution may advise an Applicant on appeal issues and opportunities.

- d) The complainant shall submit an appeal directly to the appropriate ISAC Manager. An appeal may be pursued through the appropriate sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See: 2 Ill. Adm. Code 5375 Appendix A, Organization Chart.)

- e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) above of this Section. A hearing shall be requested, in writing, within 60 days of the date of the Executive Director's appeal decision.

- 1) Within 30 days of the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.60(d)-(f) 2790.140, Hearings.

- 2) The hearing officer shall issue a recommended decision in accordance with and subject to 23 Ill. Adm. Code 2790.70, Recommended and Final Decisions.

- f) Commission dispositions, as provided for by 23 Ill. Adm. Code 2790.70(e)(e), are considered final administrative decisions as defined by the Administrative Review Law, (Ill. Rev. Stat. 1989 1991, ch. 110, par. 3-101 et seq.) 1735 ILCS 5/21. The complainant shall be sent written notification of the final administrative decision within ten working days of the Commission's disposition of the appeal.

(Source: Amended at 17 Ill. Reg. 10541, effective July 1, 1993 1993)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Grant Program for Dependents of Correctional Officers
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3) Section numbers:
2731.10
2731.20
Adopted Action:
amendment
amendment
- 4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat., 1991, ch. 144, pars. 3060 and 3020(f)). (See P.A. 87-997, effective September 3, 1992) [110 ILCS 94/60 and 20(f)].
- 5) Effective Date of Rule(s) Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 16, 1993
- 9) Notice(s) of Proposal Published in Illinois Register:
February 5, 1993, 17 Ill. Reg. 1381
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
The only changes made in this rulemaking were minor technical corrections suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: The title of this Part has been changed to include the word "dependents" so that it more accurately reflects the

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intended beneficiaries of this program, i.e., dependents of correctional officers killed or disabled in the line of duty rather than persons who are currently employed as correctional officers. Language presently contained in Section 2731.20(a) is deleted and moved to Section 2731.10(a) since it encompasses the purpose of the program rather than its procedures. Section 2731.20(d) has been amended to incorporate the changes in the codification scheme of the Higher Education Student Assistance Act, as dictated by P.A. 87-997.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731

CORRECTIONAL-OFFICER'S GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

Section

2731.10

Summary and Purpose

Correctional-officer's Grant Program Procedures

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act (111. Rev. Stat. 1991, ch. 144, pars. 3060 and 3020(f)). (See P.A. 87-997, effective September 3, 1992) (110 ILCS 947/60 and 20(f)).

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993.

Section 2731.10 Summary and Purpose

a) If a Correctional Officer employed by the Department of Corrections is killed or at least ninety percent disabled in the line of duty, the employee's spouse and children may receive grant assistance under this Part.

b) This Part establishes Rules which govern the Correctional Officer's Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. 10559, effective July 1, 1993 1993)

Section 2731.20 Correctional-officer's Grant Program Procedures

a)-----If a Correctional Officer employed by the Department of Corrections is killed or at least ninety percent disabled in the line of duty, the employee's spouse and children may receive grant assistance under this Part:

ab) Children are defined as the natural child, legally adopted child, or any child in the legal custody of the Correctional Officer at the time of death or disability.

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be) Grants may be used at any postsecondary Institution approved for participation in the Monetary Award Program, provided the Applicant is Enrolled on at least a half-time basis and is maintaining Satisfactory Academic Progress. (See: 23 Ill. Adm. Code 2735.60.)

cd) Grant amounts shall be calculated in accordance with Section 30-15-7(e)-(1)-and-(2) Sections 35(c)(1) and (2) of the Higher Education Student Assistance Law Act (111. Rev. Stat. 1991, ch. 122 144, par. 30-15-7(e)(1)-and-(2) 3035(c)(1) and (2)). (See P.A. 87-997, effective September 3, 1992) (110 ILCS 947/35(c)(1) and (2)) or as later amended: Financial need is not a criterion.

de) Benefits are limited to the equivalent of eight semesters or twelve quarters of payment.

ef) Applicants shall file a biographical application identifying the deceased/disabled Correctional Officer and will be required to submit a death certificate or proof of disability. Once eligibility has been established on behalf of all eligible survivors in the family, an annual application identifying the Institution to be attended is required.

(Source: Amended at 17 Ill. Reg. 10559, effective July 1, 1993 1993)

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16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Illinois National Guard Grant Program

2) Code Citation: 23 Ill. Adm. Code 2730

3) Section numbers: Adopted Action:

2730.5 amendment
2730.10 amendment
2730.20 amendment

4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act (111. Rev. Stat., 1991, ch. 144, pars. 3045 and 3020(f)). (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/45 and 20(f)].

5) Effective Date of Rule(s) Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 16, 1993

9) Notice(s) of Proposal Published in Illinois Register:

February 5, 1993, 17 Ill. Reg. 1437

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version:

The only changes made in this rulemaking were minor technical corrections suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. The amendments to this part are merely technical and grammatical.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730

ILLINOIS NATIONAL GUARD GRANT PROGRAM

Section
2730.5 Summary and Purpose
2730.10 Applicant Eligibility
2730.20 Program Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 124, par. 30.45 and 30.20(f)). (See P.A. 87-997, effective September 3, 1992)) [10 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 111. Reg. 08977; amended at 8 Ill. Reg. 17016, effective September 3, 1984; amended at 9 Ill. Reg. 10827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 20, 1987; amended at 12 Ill. Reg. 11331, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989; at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11734, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993.

Section 2730.5 Summary and Purpose

- a) Eligible recipients are entitled to an exemption from payment of tuition and certain fees at state-controlled universities and community colleges public-postsecondary institutions as described in this Part. If funds appropriated for the Illinois Student Assistance Commission (ISAC) are insufficient to reimburse public postsecondary educational institutions for all eligible recipients, the obligation to pay is transferred to the educational institution.
- b) This Part establishes Rules which govern the National Guard Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. 10563, effective July 1, 1993, 1993)

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Section 2730.10 Applicant Eligibility

- a) Students must file an application annually indicating the Institution to be attended. Application deadlines are specified in subsection Section 2730.20(d).

- 1) Eligible Applicants will receive an Eligibility Letter from ISAC for each Academic Year following the filing of the application. This letter must be delivered to the educational Institution at which the student is Enrolled. Ineligible Applicants will receive a written notification from ISAC of their ineligibility to receive program benefits.

- 2) ISAC verifies application data in consultation with the Illinois Department of Military Affairs when reviewing an application.

- b) Applicants must have served for at least one year in the Illinois National Guard. Eligibility is available to any enlisted person or any company grade officer including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard.

- c) Fees exempted from payment by this program are limited to Tuition, registration, graduation, and general activity fees. Fees for which the recipient remains financially responsible include: book rental, laboratory, air flight, health insurance, room and board, parking, union, supply, hospital, athletic, and proficiency exams.

- d) Recipients must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.

- e) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement.

- f) Benefits may be used at Illinois public senior universities and at any Illinois public community college.

- g) If a student is eligible for both National Guard and MAP, the National Guard benefits must be used first. A student cannot decline a National Guard Grant in favor of using MAP.

(Source: Amended at 17 Ill. Reg. 10563, effective July 1, 1993, 1993)

Section 2730.20 Program Procedures

- a) Payment Request

- 1) The Institution must request from each Applicant a valid

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Illinois National Guard Grant Eligibility Letter. The Institution must maintain two ISAC payment certification forms which certify the Applicant's:

- A) Social Security Number;
- B) name;
- C) enrollment;
- D) grant amount; and
- E) Satisfactory Academic Progress.

- 2) One sheet is to be returned to ISAC for payment and the other retained by the Institution for record and audit purposes.

- b) Within the constraints of appropriation levels, two semester or three quarter Term payments and one summer Term payment are paid made directly to the Institution after it officially certifies to ISAC that the Applicant has registered and is attending classes. No seminars or other special Terms are covered under the grant. Summer Term is considered the final Term of the Academic and fiscal Year.

- 1) Payment certification forms will be mailed each Term to the Institution to earlier than the application deadline date for that Term. Payment certification forms must be returned no later than thirty (30) days after they have been mailed to the Institution by ISAC. Supplemental certification forms must be submitted to ISAC no later than forty-five (45) days after the original payment certification form was mailed to the Institution with the application deadline as the original payment certification form for summer Term supplements which must be submitted by the same deadline as the original payment certification form for summer Term. All certification forms received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through September 30 following the conclusion of the fiscal year).

- 2) Claims will be paid as follows:

- A) First semester and first quarter claims received by the designated deadline date will be paid or prorated, if funding is insufficient to pay all claims in full.

- B) If funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.

- C) If funds still remain after the preceding claims are paid, summer Term claims received by the designated deadline date will be paid, or prorated, if remaining

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funds are insufficient to pay all summer claims in full.

- D) In the event that funds are not exhausted by summer Term payments, claims received after the designated deadline dates will be paid or prorated.

- E) If funds are still available when the preceding claims have been paid in full, ISAC will use remaining funds to pay or prorate claims for the balance of non-residents' tuition for recipients who live out-of-state or out-of-district.

- c) Changes of address, name, status with the Guard, or Institution of attendance must be reported in writing to ISAC. Verification of receipt of changes sent to ISAC will be mailed directly to the Applicant's address recorded with ISAC.

- d) Applicants must file an application each Academic Year indicating the institution to be attended. No payment will be authorized for any Applicant until a current application is on file. The deadline for Application will be October 1 for first Term, March 15 for second semester/second and third quarter, and July 1 for the summer Term. Institution of attendance changes must also be reported by these dates.

- e) Eligible recipients are entitled to receive benefits for the equivalent of eight semesters/twelve quarters of full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

- 2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will be terminated cease.

- 3) In the event that the recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees

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paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's tuition refund policy. The recipient would utilize six eligibility units and would receive \$150.00 in benefits.

4) The eligibility units utilized used for a non-credit course shall be the same as the number of eligibility units utilized used for a credit course having the same number of total faculty contact hours.

f) If a current year Applicant is discharged or has membership extended by the Guard, ISAC will send a revised eligibility letter or ineligibility letter to the Applicant. In the case of discharges, a copy of the letter will be sent to the Institution of record.

g) If a recipient ceases to be a member of the Guard in mid-term, benefits are terminated and the recipient is responsible for the costs attributed to the remainder of the Term. If an Applicant becomes eligible in mid-term, in accordance with Section 2730.10(b), benefits will be prorated for that portion of the Term for which the Applicant is eligible, provided the application is submitted by the deadlines established in subsection (d). Costs are prorated on the basis of the Institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

h) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois Institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.

i) Payments on behalf of a recipient will be made to only one Institution per Term. For any Institution that has a Concurrent Registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.70(d).)

(Source: Amended at 17 Ill. Reg. 10563, effective July 1, 1993 1993)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section numbers: Adopted Action:
2733.10 amendment
2733.20 amendment
2733.30 amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3040 and 3020(f)). (See P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/40 and 20(f)].
- 5) Effective Date of Rule(s) Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 16, 1993
- 9) Notice(s) of Proposal Published in Illinois Register:
February 5, 1993, 17 Ill. Reg. 1444
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
Minor technical changes made in this rulemaking were suggested by the Administrative Code Division and the Joint Committee on Administrative Rules. Additionally, a citation was corrected in Section 2733.30(a)(4) so that it corresponded to a rules amendment proposed in another part (i.e., General Provisions).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. The amendments to this Part are merely technical and grammatical changes.

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- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 State Oak Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

ILLINOIS REGISTER

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section
2733.10
2733.20
2733.30
Summary and Purpose
Grant Eligibility
Program Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3040 and 3020(f)) (See P.A. 87-997, effective September 3, 1992)) [110 ILCS 94/740 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991 for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992 for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993.

Section 2733.10 Summary and Purpose

- a) Eligible IVG recipients are entitled to an be exemption exempt from payment-of paying Tuition and certain fees at public postsecondary Institutions, as described in this Part. If appropriated Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse educational Institutions for all eligible recipients, the obligation to pay is transferred to the educational Institution.
- b) This Part establishes Rules which govern the Illinois Veteran Grant (IVG) Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. 10570, effective July 1, 1993, 1993)

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Section 2733.20 Grant Eligibility

- a) A recipient must have been designated a Qualified Veteran by ISAG. (See Section 2733.30(a).)
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) A recipient must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.
- d) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit hour enrollment requirements and benefits are applicable for non-credit courses.
- e) Benefits may be used to Enroll at Illinois public senior universities and Illinois public community colleges.
- f) Fees Exempted by the IVG

- 1) The recipient is exempted from paying most fees including:

- A) Tuition and other instructional fees;
- B) activity, air flight and athletic fees;
- C) matriculation, service and other registration-type fees;
- D) off-campus and other extension course fees;
- E) application fees;
- F) graduation and transcript fees;
- G) proficiency exam, College Level Exam Program (CLEP), Placement exam and similar fees; and
- H) health insurance fees.

- 2) The recipient is responsible for payment of the following fees:

- A) book rental fees;
- B) laboratory and supply fees;
- C) student union fees; and
- D) fees for the operation, maintenance, rental or equipping of any building or facility.

- 3) Recipients attending out-of-district community colleges receive Tuition and fee benefits equivalent to those at the in-district rate, unless sufficient funds are available to pay benefits in accordance with Section 2733.30(d)(5) of this Part. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.

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- g) Benefits are limited to the equivalent of four Academic Years of Full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) Recipients may accumulate up to 120 eligibility units, after which eligibility for program benefits is terminated ceases. If a recipient has accumulated less than 120 eligibility units, the recipient may receive full program benefits for one additional Term.

- 3) In the event that a recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize six eligibility units and would receive \$150.00 in benefits.

- 4) The eligibility units utilized used for a non-credit course shall be the same as the number of eligibility units utilized used for a credit course having the same number of faculty contact hours.

- h) A recipient who qualifies as a Persian Gulf Operation Desert Shield/Storm War Veteran (see Section 2733.30(a)(1)(D)(iii) of this Part) must begin and complete the Term or Terms of study for which benefits are being requested prior to September 6, 1992.

- i) If a student is eligible for both IVG and MAP, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of

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using MAP.

(Source: Amended at 17 Ill. Reg. 10570, effective July 1, 1993, 1993)

Section 2733.30 Program Procedures

- a) An Applicant must apply to ISAC for designation as a Qualified Veteran. ISAC shall issue a notice of eligibility to an Applicant who is a Qualified Veteran as defined by this subsection.

1) Definition of "Qualified Veteran"

- A) Any person who served in the Armed Forces of the United States who:

- i) at the time of entering service was an Illinois resident or was an Illinois resident within 6 months prior to entering such service; and
- ii) who after leaving service returned to Illinois within 6 months; or
- iii) if married to a person in continued military service stationed outside Illinois, returned to Illinois within 6 months after his or her spouse's discharge; or
- iv) if married to a person in continued military service, applies for this grant program within 6 months of his or her spouse being stationed within Illinois.

- B) Any veteran who, at the time of entering the Armed Forces, was a student at a State-controlled college or university or community college and who, after leaving service, returned to Illinois within 6 months.

- C) Any member of the Armed Forces of the United States who has served at least one year of active duty and who would be a Qualified Veteran under this subsection if honorably discharged from such service.

- D) An individual is not a Qualified Veteran if the individual was discharged from the Armed Forces of the United States under less than honorable conditions. An individual is not a Qualified Veteran if the individual's active duty with the Armed Forces was for less than one year unless:

- i) the Veteran was honorably discharged from such

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service for medical reasons directly connected with such service; or

- ii) the Veteran was honorably discharged prior to August 11, 1967; or
- iii) the Veteran was honorably discharged from such service and has at least nine months of active duty, part of which includes service in the Persian Gulf during Operations Desert Shield or Desert Storm.

- 2) The term "Armed Forces" shall be defined as the United States Army, Air Force, Navy, Marines and Coast Guard. Members of the Student Army Training Corps and a state's National Guard are not eligible for assistance under this Part.

- 3) The Applicant shall submit documentation to ISAC which demonstrates eligibility for designation as a Qualified Veteran.

- A) An Applicant should submit a copy of their his or her Report of Separation (Form DD 214) with their the application.

- B) If the Applicant does not have a copy of the DD 214, the Applicant should submit documentation which provides, the following information: date of entry; date of separation; type of discharge; total active service; home or place of entry into the service; and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans Administration.

- C) If the Applicant is a member of the Armed Forces at the time of application, the Applicant shall submit a copy of the Enlistment Contract (Form DD4) and a letter from the commanding officer. The letter must indicate that the Applicant is a member of the Armed Forces at the time of application.

- 4) If the Applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, the Applicant may establish Illinois residency in accordance with the documentation requirements of 23 Ill. Adm. Code 2700.50 (a)(f)(3). The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is not applicable to the Illinois Veteran Grant Program.

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5) If an Applicant is designated a Qualified Veteran pursuant to subsection (a)(1)(C) such designation shall expire upon discharge from the Armed Forces.

b) A Qualified Veterans Armer shall be issued a notice of eligibility. To receive an Illinois Veteran Grant, an Applicant must submit a copy of their notice of eligibility to the Institution within three months following the last scheduled day of classes for the Term for which a grant is requested. A Qualified Veterans Veteran who received an Illinois Veterans Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may receive an Illinois Veteran Grant by submitting a copy of their that IVS ID card to the Institution.

c) Institutions shall submit a payment request to ISAC. The deadlines for submission of a complete payment requests shall be October 15 for Summer Term; February 15 for first Term; and June 25 for second semester/second and third quarter. When submitting payment requests, the Institution shall certify that the Qualified Veteran meets the requirements of Section 2733.20, Grant Eligibility.

d) The reimbursement to Institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, Institutions will be reimbursed in accordance with this subsection.

1) Summer Term claims received by the deadline date designated in subsection (c) will be paid, or prorated if funding is insufficient to pay all claims in full.

2) If funds remain after summer Term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full.

3) If funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.

4) If funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated.

5) In the event that funds are not exhausted, claims for the difference between in-district and out-of-district tuition will be paid when the recipient(s) does for recipients who do

not qualify for a Charge-back charge-backs, or prorated if funds remaining are insufficient to pay all such claims in full.

(Source: Amended at 17 Ill. Reg. 10570, effective July 1, 1993, 1993)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3) Section numbers: Adopted Action:

2761.10	amendment
2761.20	amendment
2761.30	amendment
- 4) Statutory Authority: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3030 and 3030(h)) [110 ILCS 947/30 and 30(h)].
- 5) Effective Date of Rule(s) Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 16, 1993
- 9) Notice(s) of Proposal Published in Illinois Register:

February 5, 1993, 17 Ill. Reg. 1453
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:

The only changes made in this rulemaking were minor technical corrections suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2761.20 includes statutory definitions for the convenience of persons reading these rules so they will not have to refer to Illinois Revised Statutes in order to understand the defined

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terms used within this Part. The amendments to other sections of this Part are merely for clarification.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761

MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section	Summary and Purpose
2761.10	Definitions
2761.20	Program Procedures
2761.30	Program Procedures (Repealed)
2761.40	

AUTHORITY: Implementing Section 30 and authorized by Section 30(h) of the Higher Education Student Assistance Act (111. Rev. Stat. 1991, ch. 144, pars. 3030 and 3030(h)) [110 ILCS 947/30 and 30(h)].

SOURCE: Adopted at 9 111. Reg. 10277, effective July 5, 1985; amended at 9 111. Reg. 20849, effective January 1, 1986; amended at 11 111. Reg. 3220, effective January 29, 1987; amended at 11 111. Reg. 14127, effective August 10, 1987; amended at 12 111. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 111. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 111. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 111. Reg. 17863; amended at 14 111. Reg. 10578, effective July 1, 1990; amended at 16 111. Reg. 11290, effective July 1, 1992; amended at 17 111. Reg. 10579, effective July 1, 1993.

Section 2761.10 Summary and Purpose

a) The Merit Recognition Scholarship Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a \$1,000 award which must be used for enrollment at an approved Illinois postsecondary institution.

b) This Part establishes rules which govern the Merit Recognition Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 111. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized. Statutory language is italicized.

(Source: Amended at 17 111. Reg. 10579, effective July 1, 1993 1993)

Section 2761.20 Definitions

"Approved High School" - means any public high school located in this State; and any high school located in this State or elsewhere

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(whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those of public high schools located in this State. Defined-at (Section 30-15-2(e) 10 of the Higher Education Student Assistance Law Act (111. Rev. Stat. 1989 1991, ch. 122 144, par. 30-15-2(e) 3010) [110 ILCS 947/10].

"Cumulative Grade Point Average" - The means the average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as those completed for admission, placement, or other similar purposes.

"Eligible Applicant" - means a student from any approved high school located in this State whose 7th semester cumulative high school grade point average is at or above the 95th percentile, or 90th percentile with respect to students who graduated from such an approved high school during the 1986-87 or 1987-88 school year, of his or her high school class, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section. Defined at (Section 30-15-7b 30(a) of the Higher Education Student Assistance Law Act (111. Rev. Stat. 1990-Suppl- 1991, ch. 122 144, par. 30-15-7b 3030(a)) [110 ILCS 947/30(a)].

"Graduating Class" - The total number of students to complete the high school's program of instruction and graduate within an Academic Year.

"Qualified Student" - means a person: (i) of good moral character who is a resident of this State and a citizen or permanent resident of the United States; (ii) who, as an eligible applicant, has made a timely application for a merit recognition scholarship under this Section; (iii) who has successfully completed the program of instruction at any approved high school located in this State; and (iv) who enrolls or is enrolled in a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree. Defined-at (Section 30-15-7b 30(a) of the Higher Education Student Assistance Law Act (111. Rev. Stat. 1990-Suppl- 1991, ch. 122 144, par. 30-15-7b 3030(a)) [110 ILCS 947/30(a)].

"Seventh Semester" - The means the period of instruction, at the completion of which, a student has completed eighty percent of the Approved High School's program of instruction. The seventh semester will usually be the student's next-to-last Term.

(Source: Amended at 17 111. Reg. 10579, effective July 1, 1993 1993)

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Section 2761.30 Program Procedures

a) In February of every year, Approved High Schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are Eligible Applicants.

1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by Approved High Schools shall be subject to audit by ISAC.

2) Eligible Applicants must have completed their Seventh Semester of instruction at an Approved High School in Illinois.

b) Eligible Applicants shall be sent a Merit Recognition Scholarship application which must be completed by the student and the postsecondary institution attended by the Applicant. A complete application must be received by ISAC within one year of High School graduation but absolutely no later than prior to June 15th of the Academic Year immediately following graduation from the Approved Illinois High School. Should the recipient transfer to a different institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.

c) ISAC shall disburse scholarship funds in two increments based on the terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer Term.

1) The application form constitutes a request for payment of first Term benefits. ISAC shall issue payment request rosters for Institutions to request payment for subsequent Terms.

2) Funds shall be remitted to Institutions on behalf of the Qualified Students. When requesting payment of scholarship funds, the Institution shall certify that the recipient is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.

3) Upon receipt of scholarship funds, the Institution shall verify the recipient's enrollment status. If the recipient is Enrolled, the Institution may credit the disbursement funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the recipient.

4) If the recipient has withdrawn from enrollment or drops to less than half-time enrollment prior to disbursement, the

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Institution shall return the disbursement funds to ISAC.

d) Scholarship funds are applicable to two semesters or three quarter Terms and must be used for educational expenses, including, but not limited to, Tuition and fees, room and board, books and supplies, and travel and personal expenses related to the student's enrollment.

e) Should the recipient withdraw from enrollment during the first-Term financed by the scholarship, the recipient shall return the funds disbursed to ISAC.

f) Notwithstanding the previous provisions of this Section, students who graduated during the 1986-87 or 1987-88 school year whose grade point averages were at or above the 90th percentile of their high school class and who were otherwise eligible to apply for a scholarship under this Section Part shall:

- 1) be eligible for a scholarship in the amount of \$500;
- 2) have had their names certified as eligible Eligible applicants Applicants by Approved High Schools on forms submitted to ISAC;
- 3) have submitted an application to the Institution at which they are currently enrolled by November 15th of the academic year in which funds are appropriated for this purpose;
- 4) have Institutions verify that the Qualified Student is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; and is not the recipient of a baccalaureate degree;
- 5) have the scholarships awarded under this subsection provided by a separate appropriation of the General Assembly; and
- 6) have a scholarship awarded by ISAC in order of decreasing percentile as determined by their 7th semester cumulative high school grade point average, if funds appropriated are insufficient to provide all Qualified Students with an award.

(Source: 1993)
Amended at 17 Ill. Reg. 10579, effective July 1, 1993

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- 1) The Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Aid Program

- 2) Code Citation: 23 Ill. Adm. Code 2763

- 3) Section numbers: Adopted Action:

2763.10 amendment
2763.20 amendment
2763.30 amendment
2763.40 amendment
2763.50 amendment

- 4) Statutory Authority: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3050) (See Public Acts 87-997 and 87-1004, effective September 3, 1992 and P.A. 87-0920, effective January 1, 1993) [110 ILCS 947/50] and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20].

- 5) Effective Date of Rule(s) Amendments: July 1, 1993

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this amendment contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: June 16, 1993

- 9) Notice(s) of Proposal Published in Illinois Register:

February 5, 1993, 17 Ill. Reg.

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.

- 11) Difference(s) between proposed and final version:

A defined term was added to Section 2763.30 (e) for clarification. The only other changes made in this rulemaking were those suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement

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state and federal statutory changes, and to clarify issues that have arisen during the previous year. Additionally, three new laws (i.e., 87-1004, effective September 3, 1992; 87-0920, effective January 1, 1993; and 87-997, effective September 3, 1992), affecting the Minority Teachers of Illinois Scholarship Program were recently enacted. Therefore, ISAC proposes the following substantive amendments: Section 2763.10 has been amended to delete the reference to "Aid" in order to comply with P.A. 87-997 which changed the name of this program; toward that same end all references to "aid" have been removed throughout this Part. Section 2763.20 includes statutory definitions for the convenience of persons reading these rules so that they will not have to refer to the statute to understand defined terms. Section 2763.30(b) has had portions deleted since the requirements for eligibility are spelled out in the definition of "qualified student." Section 2763.30(d) clarifies that 30 percent of the funds, rather than the number of scholarships, are reserved for qualified male students, in accordance with P.A. 87-997. Section 2763.30(e) has been added to further the goal of the program (to encourage academically talented minority students to pursue careers as teachers in Illinois) by giving priority to renewal applicants. Section 2763.30(f)(2) has been changed to reflect the revised definition of "qualified student." In accordance with P.A. 87-997, Section 2763.30(f)(3) has been amended to delete the prohibition against the receipt of two scholarships for the same academic level. Section 2763.30(h) has been amended in accordance with the addition of subsection (e), which gives priority to renewal applicants. Section 2763.40(b) has been added for the convenience of previous MTI Scholars who will automatically have renewal applications mailed to them by ISAC. Section 2763.40(c) has been amended to include a priority consideration date, by which applications must be submitted to ISAC, to promote the timely processing of scholarships. Section 2763.40(g) has been amended in accordance with P.A. 87-997, which allows for the fulfillment of the teaching commitment at nonprofit schools and preschools in Illinois. Section 2763.40(g)(4) clarifies the method of repayment to ISAC if a scholarship recipient is unable to fulfill the teaching commitment. Section 2763.40(h) has been added to allow for the deferral of payments, provided the recipient meets the conditions outlined in the law authorizing the scholarships. Section 2763.40(i) has been added to forgive the debt of a scholar who is unable to teach on a full-time basis because the scholar has died or has become permanently and totally disabled. Section 2763.50(c) has been changed in accordance with the new definitions added in Section 2763.20.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8300

The full text of the adopted rules amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

Part 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP AID PROGRAM

Section	Summary and Purpose
2763.10	Definitions
2763.20	Minority Scholar Eligibility
2763.30	Application Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3050) (See Public Acts 87-997 and 87-1004, effective September 3, 1992 and P.A. 87-0920, effective January 1, 1993) [110 ILCS 947/50] and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3020(f)) [110 ILCS 947/20].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on June 1, 1993; amended at 17 Ill. Reg. 10579, effective July 1, 1993.

Section 2763.10 Summary and Purpose

a) The Minority Teachers of Illinois Scholarship Aid Program encourages academically talented minority students to pursue careers as teachers at Illinois elementary and secondary schools. The program also aims to provide minority children with access to a greater number of positive minority role models.

b) This Part establishes the rules which govern the Minority Teachers of Illinois Scholarship Aid Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized. Statutory language is italicized.

(Source: Amended at 17 Ill. Reg. 10579, effective July 1, 1993
1993)

Section 2763.20 Definitions

"Approved High School" - Defined as Section 30-15-2(c) of the Higher

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Education-Student-Assistance-Law-(111-Rev.-Stat.-1989--ch.-122; par.-30-15-24e)-- means any public high school located in this State; and any high school located in the State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the Superintendent provides a course of instruction at the secondary level, and maintains standards of instruction substantially equivalent to those of public high schools located in this State. (Section 10 of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, par. 3010) (See P.A. 87-997, effective September 3, 1992)) [110 ILCS 947/10].

"Cost of Attendance" - Defined as defined at Section 472 of the Higher Education Act of 1965, as amended; (20 U.S.C.A. 108711 (1990)).

"Cumulative Grade Point Average" - The means the average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as that which is used for admission, placement, or other similar purposes.

"Eligible Applicant" - An individual who is eligible to apply for scholarship assistance under this Act, as defined in Section 30-15-76(a) of the Higher Education Student Assistance Law (111-Rev. Stat.; 1990 Supp.; ch. 122, par. 30-15-76(e), as amended by P.A. 87-302, effective September 6, 1993; means a minority student who has graduated from high school and has maintained a cumulative grade point average at the postsecondary level of no less than 2.5 on a 4.0 scale, and who by reason thereof is entitled to apply for scholarships to be awarded under this Section. (Section 30(a) of the Higher Education Student Assistance Act).

"Institution of Higher Learning" - Defined as Section 30-15-2(d) of the Higher Education Student Assistance Law (111-Rev. Stat.; 1989; ch. 122, par. 30-15-2(d)); means an educational organization located in this State which (1) provides at least an organized 2 year program of collegiate grade in liberal arts or sciences, or both, directly applicable toward the attainment of a baccalaureate degree, or beginning with academic year 1972, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree, (2) either is (a) operated by this State or (b) operated publicly or privately, not for profit; (3) in the judgment of the Commission meets the standards substantially equivalent to those of comparable institutions operated in this State; and (4) if so required by the Commission, uses the State as its primary guarantor of student loans made pursuant to the Higher Education Act of 1965. For otherwise eligible educational organizations which provide academic programs

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for incarcerated students, the terms "institution of higher learning", "qualified institutions", and "institution" shall specifically exclude academic programs for incarcerated students. (Section 10 of the Higher Education Student Assistance Act.)

"Minority Scholar" - means an An individual who ISAC determined to be eligible to receive an MTL scholarship and who receives or has received scholarship assistance under this Part.

"Minority Student" - Defined-at-Section-10-15-7f(a)-of-the-Higher Education-Student-Assistance-Law-(Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15-7f(a)), as amended by P.A. 87-300, effective September 6, 1991) means a student who is either (i) Black (a person having origins in any of the black racial groups in Africa); (ii) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); (iii) Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or (iv) Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska. (Section 30(a) of the Higher Education Student Assistance Act.)

"Qualified Student" - An individual, who, ISAC determines, to be eligible to receive scholarship assistance under this Part, as defined in Section 30-15-7f(a) of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 30-15-7f(a)), as amended by P.A. 87-320, effective September 6, 1991; means a person (i) who is a resident of this State and a citizen or permanent resident of the United States; (ii) who is a minority student, as defined in this Section; (iii) who, as an eligible applicant, has made a timely application for a minority teaching scholarship under this Section; (iv) who is enrolled on a full time basis at the sophomore level or above at a qualified Illinois institution of higher learning as an undergraduate student and has not received a baccalaureate degree; (v) who is enrolled in a course of study leading to a teacher certification; (vi) who maintains a grade point average of no less than 2.5 on a 4.0 scale while enrolled at the postsecondary level; and (vii) who continues to advance satisfactorily toward the attainment of a degree. (Section 50(a) of the Higher Education Student Assistance Act.)

"Teacher Education Program" - means an undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as an elementary or secondary school teacher by the

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Illinois State Board of Education. For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Amended at 17 Ill. Reg. 10579, effective July 1, 1993, 1993)

Section 2763.30 Minority Scholar Eligibility

a) ISAC shall accept applications to be a Minority Scholar in accordance with Section 2763.40 of this Part, Application Procedures.

b) ISAC shall identify Qualified Students from among applications submitted on a timely basis. A "Qualified Student" is an individual who satisfies the following eligibility criteria:

1) ---- is a United States Citizen or an Eligible Non-citizen, and a Resident of Illinois; and

2) ---- is a Minority Student as defined in Section 10-15-7f of the Higher Education Student Assistance Law (Ill. Rev. Stat., 1990 Supp., ch. 122, par. 10-15-7f(a)), as amended by P.A. 87-302, effective September 6, 1991; as provided in that Section; a Minority Student means a student who is either:--

A) ---- Black (a person having origins in any of the black racial groups in Africa); or

B) ---- Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); and

3) ---- has graduated in the top 20 percent of his or her high school class; and

4) ---- is enrolled or accepted for enrollment at an undergraduate student at a qualified institution of higher learning; in an approved Teacher Education Program; and

5) ---- is enrolled on a full-time basis at the sophomore level or above; as defined by his or her institution of higher learning; and

6) ---- has a Cumulative Grade Point Average of no less than 2.5 on a 4.0 scale; or its equivalent; and

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7)----is-in-good-standing-with-the-Satisfactory-Academic-Progress-

Policy-of-the-Institution-at-which-he-or-she-is-enrolled.

- c) Applicants will be notified whether they are Qualified Students. A non-Qualified Student may appeal a finding of ineligibility in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.
- d) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be awarded to reserved for male Qualified Students.
- e) Notwithstanding the provisions of subsection (d) of this Section, awards will be made first to renewing Minority Scholars.
- f) A Minority Scholar may receive a scholarship renewal provided the Minority Scholar:

- 1) continues to maintain a Grade Point Average of no less than 2.5 on a 4.0 scale, or its equivalent, at the postsecondary level; and
- 2) continues to meet the requirements of subsections (b)(1)-(4); (5); and (7) of this Section; and maintaining its current status as a Qualified Student, as outlined in Section 2763.20 of this Part; and
- 3) has not previously received a scholarship under this program at the same academic level for which the renewal scholarship is being requested continues to advance satisfactorily toward the attainment of a degree; and
- 4) has submitted an application on a timely basis, in accordance with Section 2763.40(b) of this Part, Application Procedures.

- g) No Minority Scholar may receive more than 8 semesters/12 quarters of scholarship assistance under this program.

h) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all Qualified Students with a scholarship, available funds shall be allocated in accordance with subsections (d) and (e) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerfield office.

(Source: Amended at 17 Ill. Reg. 10579, effective July 1, 1993 1993)

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Section 2763.40 Application Procedures

- a) Applications for the Minority Teachers of Illinois Scholarship Aid Program are available from qualified Institutions of Higher Learning, state legislative and congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.
- b) ISAC will mail renewal applications to all Qualified Students who received MTL Scholarships during the preceding Academic Year.
- c) A completed application must be received in ISAC's Deerfield office on or before September 15th of the academic year the final date of the period-of-enrollment for which the scholarship is being requested in order to receive priority consideration for a full year full-amount award.
- d) If an application is incomplete, notification will be sent to the Eligible Applicant. The Eligible Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing when it is complete.
- e) Eligibility notification shall be sent to each Qualified Student who is selected as a Minority Scholar.
- f) Eligible Applicants shall be required to furnish the postsecondary institutions at which they are enrolled with a copy of their high school transcripts or any other documentation verifying class-rank upon high school graduation.
- g) During any academic year in which a Minority Scholar receives assistance under this Part, the Minority Scholar shall be required to sign an Application/Teaching Agreement/Promissory Note prior to receipt of any scholarship assistance. The terms of the Teaching Agreement/Promissory Note shall include the following:
 - 1) a pledge on the part of the recipient to teach one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) a stipulation that such teaching commitment will be fulfilled within the 10-year period following the termination of the undergraduate program for which the Minority Scholar received assistance under this Part;
 - 3) a stipulation that such teaching commitment will be fulfilled at a non-profit Illinois public, private, or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are Minority

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Students, as certified by the Illinois State Board of Education; and

- 4) a further stipulation that, if the teaching commitment is not fulfilled, the scholarship converts to a loan and the Minority Scholar must repay the entire amount of the scholarship(s) provided according to the fraction of the teaching obligation not completed, plus interest at a rate equal to that determined defined by federal regulations and, if applicable, reasonable collection fees.
- h) A Minority Scholar shall not be in violation of the teaching agreement, set forth in subsection (g) of this Section, if the recipient:
 - 1) enrolls as a full-time graduate student in a course of study related to teaching at a qualified institution of Higher Learning;
 - 2) serves for not more than three years, as a member of the United States armed services;
 - 3) is temporarily disabled for not more than three years, as established by the sworn affidavit of a qualified physician;
 - 4) is seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (g)(2) of this Section, and is able to provide evidence of that fact; or
 - 5) becomes permanently totally disabled as established by the sworn affidavit of a qualified physician.

- 1) A Minority Scholar shall not be required to repay the amount of the scholarship(s) received if s/he becomes permanently totally disabled as established by the sworn affidavit of a qualified physician. (See e.g., 34 CFR 633.42(b)(4)) or if his or her representative provides ISAC with a death certificate or other evidence that the scholar has died.

(Source: Amended at 17 Ill. Reg. 10579, effective July 1, 1993.)

Section 2763.50 Institutional Procedures

- a) The Institution shall submit the signed Application/Teaching Agreement/Promissory Note to ISAC on behalf of the Minority Scholar. The submission of the signed Application/Teaching Agreement/Promissory Note shall represent the Institution's request

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for payment.

- b) ISAC shall disburse scholarship funds in two or three installments, depending on the number of Terms financed by the scholarship, except that, multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded.
- c) Funds shall be remitted by ISAC to Institutions on behalf of Qualified Students Minority Scholars. When requesting payment of scholarship funds, the Institution shall certify to ISAC that the Applicant is a Qualified Student as defined in Section 2763.39 2763.20 of this Part.
- d) Scholarship funds are applicable towards two semesters/three quarters of full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify the Scholar's enrollment status. If the Minority Scholar is enrolled, the Institution may credit the scholarship funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the Minority Scholar. If the Minority Scholar has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC.
- e) Scholarship Amount
 - 1) In accordance with this subsection, the Institution at which the Minority Scholar is enrolled shall compute the size of the scholarship and submit a completed, signed, and certified Application/Teaching Agreement/Promissory Note. The Minority Scholar must have reviewed and signed the Application/Teaching Agreement/Promissory Note prior to the receipt of any scholarship assistance.
 - 2) Minority Teachers of Illinois Scholarships are applicable only toward tuition and fee and board charges on commuter allowances, if applicable. The annual scholarship awarded to a Qualified Student must not exceed:
 - A) tuition and fees plus room and board expenses charged by the Institution (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e), General Institutional Eligibility Requirements); or
 - B) tuition and fees plus the standard commuter allowance for students living off-campus (as reported to ISAC pursuant to 23 Ill. Adm. Code 2700.30(e)); or
 - C) a maximum of \$5,000.

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- 3) The total amount of Minority Teachers of Illinois Scholarship assistance awarded to a Scholar in a given academic year, when added to the other financial aid available to the Minority Scholar for that year, cannot exceed the Cost of Attendance.
- 4) In any Academic Year in which the Minority Scholar accepts financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Scholar shall not be eligible for scholarship assistance under this Part.
- 5) A Minority Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Minority Scholar's Cost of Attendance exceeds the amount of the scholarship.

(Source: Amended at 17 Ill. Reg. 10579, effective July 1, 1993
1993)

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- 1) The Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section numbers: Adopted Action:
 2735.10 amendment
 2735.20 amendment
 2735.30 amendment
 2735.40 amendment
 2735.50 amendment
 2735.60 amendment
 2735.70 amendment
 2735.80 amendment
 2735.100 amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3035 and 3020(f)) (See 87-997, effective September 3, 1992) [110 ILCS 947/35 and 947/20(f)].
- 5) Effective Date of Rule(s) Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filled in Agency's Principal Office: June 16, 1993
- 9) Notice(s) of Proposal Published in Illinois Register:
 February 5, 1993, 17 Ill. Reg. 1470
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
 Section 2735.50(f) has been changed in response to public comment. An overaward provision remains, however, the self-help component has been removed and the institutions will determine what gift aid must be reduced in order to avoid aid in excess of college costs. The only other changes made to this rulemaking were minor or technical in nature and were suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? Yes.

ILLINOIS STUDENT ASSISTANCE COMMISSION
NOTICE OF ADOPTED AMENDMENT(S)
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

The emergency amendments were published on April 30, 1993 at 17 Ill. Reg. 6672.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions to implement state and federal statutory changes, and clarify issues that have arisen during the previous year. In this Part, ISAC proposes the following and grammatical changes throughout this Part. ISAC proposes the purpose of substantive amendments: Section 2735.10(a) which outlines the purpose of this program, has been changed to include the word "resources" rather than "strength" in order to more specifically describe the factors on which monetary grants are awarded. Section 2735.20(a)(3) now requires that students be enrolled in a degree certificate program in order to be eligible for MAP grants. This parallels a similar requirement for Federal Pell Grant eligibility. Section 2735.30(a) has been modified since one application enables a student to apply for various forms of financial aid not only the Federal Pell Grant. Section 2735.40 includes amendments intended strictly for clarification purposes. Section 2735.50(f) includes a proposed gift aid limitation for MAP recipients. As proposed, the limit to be used would be computed by subtracting the student's MAP self-help amount from the student's cost of attendance intended to award. Section 2735.70 also contains amendments intended solely for purposes of clarification. Section 2735.80(b)(1) formalizes an emergency rule amendment that was adopted last fall. Section 2735.80(b) of Higher Education Act was added in 1992 to require pro-rata refunds to first-time student aid recipients who withdrew prior to the expiration of 60 percent of the period of enrollment for which the students have been charged. This change in federal law compelled many postsecondary institutions in Illinois to extend their refund adjustment periods, from the general two week period to two to three months into a term. Previously, MAP rules precluded schools from submitting MAP payment requests for students until after the expiration of their refund adjustment period. If this rule were not amended, schools would be required to delay the submission of their payment requests for as long as two to three months into the term a practice which would create an undue hardship on the students and the schools ISAC is charged to serve. Section 2735.100 contains amendments intended strictly for clarification purposes.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel C. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 East Oak Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735
MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Application Eligibility
2735.20	Determination of Financial Eligibility
2735.30	Institutional Packaging of Gift Assistance
2735.40	Institutional Eligibility
2735.50	Enrollment Requirements
2735.60	Disbursement of MAP Grants
2735.70	Contractual Agreement Requirements
2735.80	Contractual Agreement Requirements
2735.100	Appendix A Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3035 and 3020(f)). (See 87-997, effective September 3, 1992) [10 ILCS 947/35 and 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864, amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992, emergency amendment at 16 Ill. Reg. 19327, effective November 23, 1992, for a maximum of 150 days; emergency amendment April 22, 1993, emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days, amended at 17 Ill. Reg. 10536, effective July 1, 1993.

Section 2735.10 Summary and Purpose

- The Monetary Award Program (MAP) provides direct grant assistance to eligible students. MAP grants are apportioned among otherwise eligible applicants on the basis of relative financial strength and resources available funds. Recipients must enroll at approved nonprofit Illinois institutions in order to use MAP grants.
- This Part establishes Rules which govern the Monetary Award Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are

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Indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993)

Section 2735.20 Applicant Eligibility

- a) All MAP Grant recipients must be:
- 1) Citizens or Eligible Non-citizens Noncitizens of the United States, and Residents of Illinois.
 - 2) Students in good standing in accordance with their Institution's policy of Satisfactory Academic Progress.
 - 3) Enrolled in a degree or certificate program on at least a Half-time basis at a MAP-approved postsecondary Institution. (See: Section 2735.60.)

A) A recipient may receive MAP grant payment for less than Half-time enrollment provided the recipient was Enrolled on at least a Half-time basis throughout the Institution's Tuition refund/withdrawal adjustment period. (See Section 2735.70(g).)

B) Effective with Terms beginning on or after July 1, 1990, no person who is incarcerated may receive a MAP grant.

b) All recipients must demonstrate financial eligibility as determined from the financial data supplied to the Illinois Student Assistance Commission (ISAC). (See: Section 2735.40.)

c) Eligibility is restricted to undergraduate students.

1) MAP recipients must not have received a baccalaureate degree.

2) Graduate Students are not eligible for MAP assistance. For purposes of this Part, an Institution shall classify as a "Graduate Student" any student who:

A) is enrolled in an academic program or course above the baccalaureate level which is leading to any degree above the baccalaureate level; and

B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and

C) has completed the equivalent of at least three years of

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Full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

d) A recipient may receive the equivalent of 10 semesters/15 quarters of Full-time equivalent MAP grant payment. (See: 23 Ill. Adm. Code 2700.40(h).) If a recipient has accumulated less than sixty eligibility units, he/she may receive one additional Term of Full-time MAP assistance.

e) Seniors in their last Term of enrollment prior to receiving a baccalaureate degree and Applicants Enrolled in student teaching are classified as Full-time Students for purposes of MAP grant eligibility.

(Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993)

Section 2735.30 Application for MAP Grants

a) An application for a MAP grant must be submitted annually. An Applicant Applicant may use any one of uses the forms form which the United States Department of Education (ED) designates as an application form for federal student financial aid the Pell-Grant program. (See Section 483 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070a).)

b) Priority Consideration Dates

1) Regular School Year applications must be received before June 1 immediately preceding the Regular School Year for which the application is being made from students who were Enrolled in a postsecondary institution during the previous Regular School Year in order to receive priority consideration for a full year award. Regular School Year applications must be received before October 1 from students who were not Enrolled during the previous Regular School Year in order to receive priority consideration for a full year award.

2) Applications received after the priority dates will be considered for MAP awards based on available funds, if any, for partial year or reduced awards.

3) Students eligible for winter or spring term awards who have missed the June 1 priority date and who are graduating midyear may request that their winter or spring award be used for fall term.

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- 4) Applicants from students qualifying for special conditions pursuant to the Federal Pell Grant Program will be considered as long as there is available funding. (See 34 CFR 690.31 and 690.32 (1994).)
- 5) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority dates established by this subsection (b).
- c) When an application is incomplete, a notice will be sent to the Applicant. The Applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the Applicant may be considered only for subsequent term(s) term awards.
- d) ISAC informs Applicants that they are MAP recipients on the basis of application data. All announced MAP recipients are subject to verification and awards are contingent upon the availability of funds.

(Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993 1993)

Section 2735.40 Determination of Financial Eligibility

- a) Applicants, spouses, and the Parents of Applicants are required to submit financial information on the application, which will be kept confidential, regarding income, asset value, and non-taxable income (e.g., Aid to Families of With Dependent Children, public aid, veterans' benefit benefits or Social Security).
- b) After receipt of corrected data, ISAC shall recalculate awards for those Applicants whose applications are not in basic agreement with their financial records.
- c) MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved Institution of the Applicant's choice, and is reevaluated if the student's institution choice of institution changes.
- d) MAP grant recipients request payment through their educational Institution. MAP grant funds are remitted directly to the educational Institution in the name of the recipient after the Institution certifies an Applicant is an eligible recipient.
- e) MAP grants are applicable only toward Tuition and Mandatory Fees. MAP grants may not exceed the:
- 1) maximum award specified at Ill. Rev. Stat. 1989 1991 ch. 122

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144, par. 30-15-7(e) 3035, [110 ILCS 947/35(c)].

- 2) Institution's Tuition and Mandatory Fee charges on file with ISAC.
- f) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district Tuition and Mandatory Fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates.
- g) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).

(Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993 1993)

Section 2735.50 Institutional Packaging of Gift Assistance

- a) MAP recipients must report to the Institution all additional Gift Assistance that applies toward Tuition and Mandatory Fees, such as Tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for Tuition and fees, the combined assistance shall not exceed the total Tuition and fee expenses incurred.
- c) If an Applicant is eligible for assistance under the Illinois National Guard (NG) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the Applicant is not eligible for a full MAP grant because NG and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The Institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an Applicant is eligible to receive Tuition or fee benefits through a prepaid or reimbursable Tuition plan, or through a payment to the Institution by the Applicant's employer, the Institution shall request MAP payment in accordance with this subsection:
- 1) A prepaid Tuition plan is any program which exempts a student from Tuition charges because of a payment(s) to the Institution at a time prior to the student's enrollment. A reimbursable Tuition plan is a program which reimburses a student for Tuition costs after satisfactory completion of

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course work.

- 2) The Institution shall recalculate the Applicant's MAP eligibility by decreasing the Applicant's tuition and fee charges by the amount of benefits the Applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The Institution shall report the Applicant's reduced grant award on the payment request list. (See: Section 2735.80.)
- 3) The provisions of this subsection section shall not apply to benefits derived from the Baccalaureate Savings Act [(Ill. Rev. Stat. 1989 1991, ch. 144, par. 2401 et seq.] 1110 ILCS 9201 and 23 111. Adm. Code 2771).
- 4) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's Gift Assistance may not exceed the Institution's cost of attendance used to calculate Title IV aid for that student. Any excess Gift Assistance is considered an overaward and the Institution is required to reduce the MAP award and/or other Gift Assistance to prevent such an overaward.

(Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993, 1993)

Section 2735.60 Institutional Eligibility

To receive MAP grant payments, recipients must enroll at ISAC-approved colleges, universities, or professional colleges. (See: 23 Ill. Adm. Code 2700.30) The Institution must offer at least a two-year organized program of collegiate study directly applicable towards the attainment of an associate or baccalaureate degree. Institutions which provide a program in health education directly applicable toward the attainment of a certificate, diploma, or associate degree are also eligible. All eligible institutions must be nonprofit and located in Illinois. If an Illinois Institution operates a satellite campus outside of Illinois, Residents of Illinois Enrolled in classes at the satellite campus may receive MAP benefits in accordance with Section 2735.70(e).

(Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993, 1993)

Section 2735.70 Enrollment Requirements

- a) It is the responsibility of MAP recipients to gain admission to approved Illinois Institutions. Illinois Institutions are not obligated to admit Monetary Award recipients. Once the recipient is Enrolled and attending classes, the Institution shall receive payments for tuition payments and other Mandatory Fees provided by the award. The Institution is obligated to provide Monetary Award

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recipients the same facilities and instructions; instruction, at the same charges terms, as are provided to other students.

- b) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) Test or for a high school diploma. (See: e.g., 23 Ill. Adm. Code 215.)
- c) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, non-credit course offerings (except qualifying remedial courses), or correspondence courses. Such course work cannot be used to meet the Half-time or Full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than the equivalent of one year of remedial coursework (i.e., 30 semester hours or 45 quarter hours).

- d) For any Institution which has Concurrent Registration opportunities, the following policy pertains:

- 1) The recipient must indicate his/her Institution of record on the MAP application.
- 2) The payment of the Term award by ISAC will require the Institution of record to receive MAP payment on behalf of both Institutions and to distribute the appropriate share of the award to the other Institution. Payment by ISAC will not be made to two Institutions.
- 3) The amount paid cannot exceed the maximum Term award for Full-time or Half-time students. Students at the Institution of record, or the Tuition and Mandatory Fee costs of attending both at the Institution of record if the costs are less than the maximum Term award.
- 4) Concurrent Registration is limited to MAP-approved Institutions.
- 5) The records recipient's official academic transcript at the Institution of record must indicate the total number of credit hours in which the student is Enrolled.
- e) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with the following provisions:
 - 1) The recipient must be Enrolled at the MAP-approved

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Institution, and the out-of-state/foreign study must be in conjunction with the approved Institution's curriculum;

- 2) The MAP-approved Institution must record the course credits on the official academic transcript as Institutionally earned credit and not as transfer credit;
- 3) The recipient must be Enrolled Full-time and must be charged Tuition and Fees at least equal to Tuition and Mandatory Fees charged all students;
- 4) An Institution shall not request more than two semesters/three quarters of MAP assistance for any one recipient.
- f) If an announced recipient's credit hour enrollment decreases, the Institution shall only request payment up to the amount of actual expenses incurred.
- g) If an Applicant withdraws from enrollment after the expiration of the Tuition refund/withdrawal adjustment period, the Applicant shall receive MAP grant payment for costs incurred up to the Term award provided the Institution's Tuition refund policy indicates the Applicant has incurred charges in the amount of the claim.
- h) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See: 23 Ill. Adm. Code 2700.40(h).)

(Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993, 1993)

Section 2735.80 Disbursement of MAP Grants

- a) Upon receipt of a payment request from the Institution, ISAC remits MAP grant funds to the Institution on behalf of the recipient. The Institution shall credit these funds to the recipient's account.
- b) MAP grants are divided into two semester or three quarter regular Term payments and are paid directly to the approved Institution which certifies to ISAC that the Applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the return of payment request lists and inform schools of the required priority dates.
 - 2) Late return of payment request lists will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.

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- 3) Under no circumstances are Institutions to return their payment request lists until after the second week of classes initiation's tuition refund/withdrawal adjustment period has expired for the term for which they are requesting payment.
- c) MAP grant payment is subject to the limits of dollars appropriated to the ISAC by the General Assembly.
- d) Institutional Processing of Payments
 - 1) Within thirty days of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the Institution shall credit the MAP funds against the recipients' Tuition and Mandatory Fee charges for the appropriate Term.
 - 2) Following receipt of payment for the Term, Institutions are required to review payments received through the ISAC Monetary Award Program. Any payments received by the Institution that are determined in the review to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term. Refunds may be caused by billing errors, retroactive withdrawals, and other miscellaneous reasons authorized by these Rules. Should the payment arrive after the end of the term, the Institution will have 30 days following receipt of payment to complete the review process and return any refunds due.
 - 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same Institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
 - 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than September 1 due to the State's fiscal year lapse period ending on September 30.
 - 5) Payment requests received after September 1 for the prior Academic Year will be processed as time and available funds permit; however final action may require Institutions to go to the Illinois Court of Claims to obtain monetary approval of claims. (See: the Court of Claims Act (111 Rev. Stat. 1989 1993, ch. 37, par. 439.1 et seq.) [105 ILCS 505.1].)
 - 6) If the Institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent

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institutional payment requests.

e) Advance Payment Option

- 1) MAP-approved Institutions may request consideration for the advance payment option. To be eligible, the Institution must have received MAP payments for each of the last five Academic Years. The Institution must have completed an audit of the Institution's performance during the aforementioned Academic Year. Institutions with provisional eligibility shall not receive advance payments. (See: 23 Ill. Adm. Code 2700.30(1)(5).)
- 2) Subject to the availability of funds, payments are advanced on a Term-by-Term basis. Advance payments are made in an amount not to exceed seventy-five percent of a Term's announced recipients, adjusted for attrition as determined by subsection (3)(B). The formula by which ISAC computes an Institution's advance payment is illustrated in Appendix A of this Part.
- 3) For purposes of computing an Institution's advance payment, ISAC will use the lowest retention rate resulting from the following three formulae.
 - A) Dollar value of the previous fiscal year's claimed awards divided by the dollar value of the previous fiscal year's announced awards.
 - B) Number of claimed awards for the previous fiscal year divided by the number of awards announced during the previous fiscal year.
 - C) Utilizing the formula in subsection (e)(3)(B) above, compute the retention rate for the previous five fiscal years. Add the five retention rates and divide by five to produce the five year average retention rate.
- 4) Requests for advance payment shall be submitted by June 1st with the annual tuition and fee charges (see 23 Ill. Adm. Code 2700.30(c)). The balance of payment due for the current Term will be paid to the Institution after ISAC receives a payment request.
- 5) If an Advance Payment received by an Institution exceeds the total grant payments for which that Institution's students are eligible, the Institution shall submit the appropriate refund to ISAC prior to the end of the Academic Year.

(Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993)

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Section 2735.100 Contractual Agreement Requirements

- a) The primary purpose of a MAP-approved contractual course of study must be educational and must lead to, and be required for, a degree or certificate in a published course of study offered by an ISAC-approved Institution.
- b) All contractual agreements between ISAC-approved public Institutions and non-approved Institutions must be programs approved by the Illinois Board of Higher Education (IBHE) (See: 23 Ill. Adm. Code 1050.) All ISAC-approved Institutions not governed by the IBHE program review and approval procedures shall submit their contractual agreements to ISAC for approval prior to requesting their payment for any contractual course work taken. ISAC shall approve the contractual agreement if the terms are consistent with this Section.
- c) The Institution of record must be an ISAC-approved Institution.
- d) An ISAC-approved Institution may enter into a contractual agreement with a non-approved Institution/agency only if the approved ISAC Institution can provide the same specific educational facilities and facilities available within the Institution to offer the Illinois Board of Higher Education approved programs.
- e) All ISAC-approved Institutions are required to submit to ISAC a published curriculum of all courses leading to a certificate or degree in all programs involving contractual agreements between two or more Institutions/agencies. Only courses required for these programs that are included in the published curriculum will be eligible for ISAC payment. Furthermore, only those courses approved by the Illinois Community College Board for baccalaureate or vocational programs in the public community colleges will be eligible for ISAC payment at the public community colleges.
- f) The governing boards of all ISAC-approved Institutions not subject to IBHE contractual guidelines and/or program review and approval procedures should testify to ISAC that the following items are included within the contractual agreement and are the responsibilities of the ISAC-approved Institution:
 - 1) Administrative responsibility for the program is with the ISAC-approved Institution;
 - 2) Provisions for program supervision including on-site visits by the ISAC-approved Institution;
 - 3) Admission policies consistent with the approved Institution's

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policies;

- 4) Procedures for the maintenance of records and transcripts by the ISAC-approved Institution;

- 5) Statement on student Tuition, fees, and other charges;

- 6) Number of credit hours required and criteria for course completion within the program consistent with the ISAC-approved Institution's policies and guidelines for all programs;

- 7) Student withdrawal policy consistent with ISAC-approved Institution policy;

- 8) Maintenance of liability insurance;

- 9) Responsibility for faculty employment and evaluation;

- 10) Availability of student auxiliary services;

- 11) Consistency with policies, rules, and regulations of other state approval agencies;

- 12) Establishment and utilization of a representative advisory committee;

- 13) Provision for follow-up studies consistent with the ISAC-approved Institution practices;

- 14) Annual program and contract review by the ISAC-approved Institution; and

- 15) Certification that the non-approved Institution/agency meets statutory requirements and is approved by appropriate State of Illinois agencies and boards.

- g) ISAC requires all ISAC-approved Institutions to indicate the percentage of their own students who participate in the contract program(s) of study, and the percentage of all students Enrolled in the non-approved Institution/agency who will receive Tuition assistance through an approved contractual agreement. When either of these percentages exceed 30%, the contractual agreement will not be approved by ISAC.

- h) All students wishing to enter into programs where contractual courses are taken must be informed by the ISAC-approved Institution whether these courses are eligible for ISAC payment.

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- i) The Consortium Agreement shall be filed with ISAC along with annual tuition and fee charges (see Sec. 23 Ill. Adm. Code 2700.30(e)), (Source: Amended at 17 Ill. Reg. 10596, effective July 1, 1993, 1993)

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- 1) **The Heading of the Part:** Paul Douglas Teacher Scholarship Program
- 2) **Code Citation:** 23 Ill. Adm. Code 2762
- 3) **Section numbers:**
- | | |
|---------|-----------|
| 2762.10 | amendment |
| 2762.20 | amendment |
| 2762.30 | amendment |
| 2762.40 | amendment |
- 4) **Statutory Authority:** Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965 as amended (20 U.S.C.A. 1111 et seq.), and Sections 70 (b) and (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3020(b) and (f)) [110 ILCS 947/20(b) and (f)].
- 5) **Effective Date of Rule(s) Amendments:** July 1, 1993
- 6) **Does this rulemaking contain an automatic repeal date?** No.
- 7) **Does this amendment contain incorporations by reference?** No.
- 8) **Date Filed in Agency's Principal Office:** June 16, 1993
- 9) **Notice(s) of Proposal Published in Illinois Register:**
- February 5, 17 Ill. Reg. 1484.

10) **Has JCAR issued a Statement of Objections to these rule(s)?** No.

11) **Difference(s) between proposed and final version:**

The only changes made in this rulemaking were minor technical corrections suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?** Yes.

13) **Will these amendments replace an emergency rule currently in effect?** No.

14) **Are there any amendments pending on this Part?** No.

15) **Summary and Purpose of Amendments:** ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following

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substantive amendments: Section 2762.10(a) has been modified to more accurately reflect the purpose of the program. Section 2762.20 contains amendments that are merely for clarification. Section 2762.30(d)(3) has been revised to comply with the Higher Education Amendments of 1992, which require that states participating in this program must now give special consideration to specific applicant populations, including the following: applicants who intend to teach in certain geographical areas; applicants who commit to teach particular student populations (i.e., disabled students, preschool students, etc.); applicants who agree to teach in a curricular area in which there is a demonstrated shortage of qualified teachers; and, applicants from disadvantaged backgrounds. (See Section 521 et seq. of the Higher Education Amendments of 1992, P.L. 102-325.) Section 2762.30(d)(5) has been amended to reflect the revised methodology by which eligibility for federal financial aid is determined. Section 2762.40(b) has been modified to clarify the application deadline dates for continuing students and for students not enrolled during the previous academic year. Section 2762.40(e)(3) reflects changes in federal law which now allow Paul Douglas Scholarship recipients to fulfill their teaching obligations in a broader spectrum of schools and curricula. Section 2762.40(h) outlines federal deferment categories which will allow recipients to postpone temporarily repayment of their awards. Section 2762.40(i) adds a forgiveness provision for those recipients who are unable to fulfill their teaching obligations because of a permanent and total disability. Section 2762.40(j) has been added to refer to ISAC appeal procedures if an applicant or recipient disagrees with an administrative decision.

16) **Information and questions regarding these adopted rules amendments shall be directed to:**

Ms. Raquel C. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2762

PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

Section

2762.10 Summary and Purpose

2762.20 Definitions

2762.30 Scholar Eligibility

2762.40 Program Procedures

AUTHORITY: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C. 1111 et seq.), and Sections 20 (b) and (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3020(b) and (f)) [110 ILCS 947/20(b) and (f)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 12690, effective July 18, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3159, effective January 29, 1987; amended at 12 Ill. Reg. 11559, effective July 1, 1988; amended at 13 Ill. Reg. 8650, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1762 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2762 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17865; amended at 16 Ill. Reg. 11313, effective July 1, 1992; amended at 17 Ill. Reg. 10611, effective July 1, 1993.

Section 2762.10 Summary and Purpose

a) The Paul Douglas Teacher Scholarship Program enables and encourages outstanding high school graduates to pursue teaching careers at the pre-school, elementary or secondary school level by providing financial assistance in the form of a scholarship.

b) Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), Institutions, and Scholars. This Part implements ISAC's discretionary authority as the program administrator for the State of Illinois. (See: 34 CFR 653 (1994).)

c) Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. 10611, effective July 1, 1993, 1993)

Section 2762.20 Definitions

"Federal Regulation" - Regulations promulgated by the United States

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Department of Education (ED) and codified at 34 CFR 653 (1990).

"Qualified Applicant" - An Applicant who meets the requirements of Section 2762.30(b).

"Scholar" - An individual who has received scholarship assistance under this Part.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a State Board of Education or its equivalent (including the Illinois State Board of Education). For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Amended at 17 Ill. Reg. 10611, effective July 1, 1993, 1993)

Section 2762.30 Scholar Eligibility

a) ISAC shall accept applications to be a Paul Douglas Teacher Scholar in accordance with Section 2762.40 Program Procedures.

b) From among the timely Applicants, ISAC shall identify the Qualified Applicants. A "Qualified Applicant" is defined as an individual who meets the requirements of this subsection.

1) A Qualified Applicant must be a United States Citizen or an Eligible Noncitizen, and a Resident of Illinois.

2) A Qualified Applicant must be a high school graduate who:

A) graduated in the top ten percent of his/her graduating class, or

B) received a General Educational Development (GED) test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top ten percent of the United States' high school graduates.

3) A Qualified Applicant must be Enrolled, or accepted for enrollment, as an undergraduate student in a Teacher Education Program.

A) The Applicant must be Enrolled or accepted for enrollment on a Full-time basis and maintain satisfactory progress in accordance with the

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- Institution's Satisfactory Academic Progress Policy.
- B) Enrollment must be with a postsecondary institution that is approved by the Department of Education to participate in federal student assistance programs. (See, e.g., 34 CFR 600.10, 600.20, 668.12.)
- C) Applicants will be notified whether they are Qualified Applicants. A non-qualified applicant may appeal in accordance with 23 Ill. Adm. Code 2700.70, Appeal Procedures.

- D) Recipients shall be selected from among the Qualified Applicants on the basis of the following criteria:

- 1) Postsecondary Academic Level. Awards will be made first to renewing applicants, then to all seniors, then to all juniors, then to all sophomores, and then to all freshmen.
- 2) Institution Location. If there are insufficient funds to award scholarships to all Qualified Applicants, those enrolled in Illinois institutions will receive priority over Applicants attending out-of-state institutions.
- 3) Special Consideration. If there are insufficient funds to award scholarships to all Qualified Applicants attending Illinois institutions, ISAC shall give special consideration to Qualified Applicants who are within the same academic level and who:

- A) intend to teach or provide related services to students with disabilities.
- B) intend to teach limited English proficient students.
- C) intend to teach preschool age children.
- D) intend to teach in schools servicing inner city or rural or geographically isolated areas.
- E) intend to teach in curricular areas or geographic areas where there are demonstrated shortages of qualified teachers or
- F) are from disadvantaged backgrounds, including racial and ethnic minorities and individuals with disabilities and are underrepresented in the teaching profession or in the curricular areas in which they are preparing to teach.

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- 44) Shortage of Teachers. If there are insufficient funds to award scholarships to all Qualified Applicants within a given Academic Level who are entitled to special consideration, awards will be made first to all Applicants Enrolled in an academic discipline in which Illinois has a shortage of teachers, as determined annually by the Illinois State Board of Education. (See: 23 Ill. Adm. Code 54. Subpart D.) Funds will next be awarded to Applicants at the same Academic Level in nonshortage disciplines.

- 54) Congressional The Expected Family Contribution (EFC) derived from Federal Methodology Family Contribution (CMFC). If funds are insufficient to make awards to all Applicants who are entitled to special consideration, to all Applicants in shortage disciplines or to all Applicants in non-shortage disciplines, within an Academic Level, Applicants will be ranked in order of the Applicant's CMFC EFC, from lowest to highest. (See: Section 2762.40(b); Title IV, Part F of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1087kk).) Awards will be made within the relevant group in order of increasing CMFC EFC.

- e) A Scholar shall receive a scholarship renewal provided the Scholar continues to meet the requirements of subsections (b)(1) and (3) of this Section. No Scholar may receive more than eight semesters/twelve quarters of scholarship assistance. A Scholar shall not receive a scholarship renewal if the Scholar remains at the same academic level for more than two years.

- f) The total number of Scholars selected is contingent upon the available funds and the number of scholarship renewals. All scholarships and scholarship renewals are contingent upon sufficient appropriation.

(Source: Amended at 17 Ill. Reg. 10611, effective July 1, 1993, 1993)

Section 2762.40 Program Procedures

- a) Applications for the Paul Douglas Teacher Scholarship Program are available from: approved High Schools in Illinois; offices of Congressional Representatives from the State of Illinois; ISAC in Springfield, Chicago, and Deerfield, and; postsecondary institutions throughout Illinois.

- b) A completed application must be received in ISAC's Deerfield office, from a student who was enrolled in a postsecondary institution during the previous regular school year, on or before June 1 preceding the Academic Year for which the scholarship would be

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available to that student, except that Applicants who were not enrolled during the previous regular school year and who would be utilizing the scholarship at the freshman Academic level must submit a completed application on or before August 1 preceding the Academic Year for which the scholarship would be available.

- 1) All first-time Applicants must also apply for a Federal Pell Grant for the purpose of determining federal student financial aid to determine CMFC EEC. (See: 20 U.S.C.A. 1070a.)
- 2) First-time applicants Applicants must also provide their postsecondary Institution a copy of their high school transcript or any other documentation which verifies rank in class upon high school graduation. The Institution shall certify to ISAC whether the Applicant is a Qualified Applicant as defined at Section 2762.30(b).
- c) A congratulatory letter shall be sent to each Qualified Applicant who is selected as a Scholar. A listing of Scholars shall be made available to Institutions, members of Congress, and to the media.
- d) Renewal applications are mailed annually to eligible Scholars and must be submitted to ISAC before the deadline stated on the Renewal application.
- e) Prior to receiving scholarship assistance for any Academic Year, the Scholar must sign a Teaching Commitment Agreement/Promissory Note.
- 1) The Institution shall submit the signed Teaching Commitment Agreement/Promissory Note to ISAC.
- 2) The Teaching Commitment Agreement/Promissory Note shall require the Scholar to either:
 - A) fulfill the teaching requirements within ten years after completing the postsecondary education degree program for which the scholarship was awarded, or
 - B) repay all or part of the scholarship, plus interest, as provided by Federal Regulations. (See: 34 CFR 653.42 (c)(1).) The teaching requirement is prorated based upon whether the student received the scholarship for a semester or quarter rather than a full academic year.
- 3) The Teaching Commitment/Promissory Note shall include:
 - A) a stipulation that the Scholar teach on a full-time basis for a period of not less than two years, for each year of assistance received, in a public or private

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- nonprofit preschool, elementary, or secondary school, or a stipulation that the Scholar teach, on a full-time basis, children with disabilities or children with limited English proficiency in a private non-profit school, and
- B) a stipulation that teaching time shall be reduced to one-half if performed in a geographic area or an academic discipline certified as a "teacher shortage area" by the U.S. Secretary of Education.
- C) Scholarship Amount
- f) Scholarship Amount
 - 1) In accordance with this subsection, the Scholar's postsecondary Institution shall compute the amount of the scholarship and shall submit a request form. The Scholar must have reviewed and signed the Payment Request Form.
 - 2) Except as otherwise provided in this subsection, scholarships shall be in the amount of \$5,000 if the student is enrolled for the full Academic Year. The maximum scholarship for one semester is \$2,500; the maximum scholarship for one quarter is \$1,666.67.
 - 3) If a Paul Douglas Teacher Scholarship, when added to the amount the Scholar is to receive for the same Academic Year under Title IV of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1070 et seq.), would exceed the Scholar's cost of attendance, as defined at Section 472 of the Higher Education Act of 1965 (20 U.S.C.A. 108711), as amended, the Institution shall reduce the scholarship by the amount in which the combined awards would exceed the scholar's cost of attendance; take the receipt of the scholarship into account in determining the student's eligibility for other federal financial aid programs.
 - 4) In any Academic Year in which the Scholar accepts financial assistance through the Teacher Shortage Scholarship Program, the Mathematics or Science Teacher Scholarship Program (See sec. 23 Ill. Adm. Code 54: "Fellowship, Traineeship and Scholarship Programs"), or the Minority Teachers of Illinois Scholarship Aid Program (see: 23 Ill. Adm. Code 2763), the Scholar shall not be eligible for scholarship assistance under this Part.
 - 5) A Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Scholar's cost of attendance exceeds the amount

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of the scholarship.

- g) Scholarship funds are applicable towards two semesters/three quarters of full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify that the Scholar continues to be enrolled. The Institution may then credit scholarship funds to the recipient's account for expenses then due and payable. The balance of the scholarship funds shall be released to the Scholar. If the Scholar withdraws from enrollment, the Institution shall return the amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.
- h) A Scholar will be entitled to defer payments due, as outlined in subsection (c)(2)(B) of this Section, during any period in which the recipient meets the conditions outlined in Section 228 of the Higher Education Act, as amended.
- i) A Scholar shall be excused from repayment for any scholarship assistance received under this Part, if the recipient becomes permanently totally disabled as established by the sworn affidavit of a qualified physician.
- j) Scholars and Applicants may appeal administrative decisions made pursuant to this Part in accordance with ISAC appeal procedures. (See 23 Ill. Adm. Code 2700.70).

(Source: Amended at 17 Ill. Reg. 10611, effective July 1, 1993
1995)

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NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Police Officer/Fire Officer Survivor Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3) Section numbers: Adopted Action:
2732.10 amendment
2732.20 amendment
- 4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act (111, Rev. Stat. 1991, ch. 144, pars. 3055 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/55 and 20(f)].
- 5) Effective Date of Rule(s) Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 16, 1993
- 9) Notice(s) of Proposal Published in Illinois Register:
February 5, 1993, 17 Ill. Reg. 1493
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
The only changes made in this rulemaking were minor technical corrections suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made, as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: The title of this Part has been amended to include the word "survivor" so that it more accurately reflects the

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intended beneficiaries of this program, i.e., the surviving spouse and children of police officers and fire officers who were killed in the line of duty rather than persons who are currently employed as police officers and fire officers. Language previously contained in Section 2732.20(a) is deleted and moved to Section 2732.10(a) since it outlines the purpose of the program rather than its procedures. The title to Section 2732.20 has been amended for clarification. Section 2732.20(d) has been amended to incorporate the changes in the codification scheme of the Higher Education Student Assistance Act, as dictated by P.A. 87-997.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732

POLICE OFFICER/FIRE OFFICER SURVIVOR GRANT PROGRAM

Section

2732.10 Summary and Purpose

2732.20 Police-Officer/Fire-Officer-Grant Program Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act (111. Rev. Stat. 1991, ch. 144, pars. 3055 and 3020(f)). (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/55 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-166, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993, 1993.

Section 2732.10 Summary and Purpose

- a) If an Illinois Police Officer or Fire Officer was declared killed in the line of duty, the surviving spouse and children of the deceased may receive undergraduate grant assistance under this Part.

- b) This Part establishes Rules which govern the Police Officer/Fire Officer Survivor Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 17 Ill. Reg. 10620, effective July 1, 1993, 1993)

Section 2732.20 Police-Officer/Fire-Officer-Grant Program Procedures

- a) ----- If an Illinois Police Officer or Fire Officer was declared killed in the line of duty, the surviving spouse and children of the deceased may receive undergraduate grant assistance under this Part.

- a)b) The surviving Surviving children must be at or under the age of twenty-five at the time of enrollment. The surviving children must be the natural or adopted children of the deceased. Step-children are ineligible.

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(b) Recipients must be Citizens or Eligible Noncitizens of the United States, and Residents of Illinois.

(c) Grant amounts shall be calculated in accordance with Section 30-15.7(e)-(1)-(2) Sections 35(c)(1) and (2) of the Higher Education Student Assistance Law Act (Ill. Rev. Stat. 1989 1991, ch. 122 144, par. 30-15.7(e)-(1)-(2) 3035(c)(1) and (2)). (See P.A. 87-997, effective September 3, 1993) [110 ILCS 947/25(c)(1) and (2)] ~~or as later amended~~; Financial need is not a criterion.

(d) Grants may be used at any postsecondary Institution approved for participation in the Monetary Award Program, provided the Applicant is Enrolled on at least a half-time basis and is maintaining Satisfactory Academic Progress. (See: 23 Ill. Adm. Code 2735.60.) Benefits are limited to the equivalent of ten semesters or fifteen quarters of payment.

(e) Applicants shall file a biographical application, identifying the deceased Police Officer/Fire Officer and will be required to submit a death certificate. Once eligibility has been established on behalf of all eligible dependents in the family, an annual application identifying the Institution to be attended is required.

(Source: Amended at 17 Ill. Reg. 10620, effective July 1, 1993, 1993)

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NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: State Scholar Program

2) Code Citation: 23 Ill. Adm. Code 2760

3) Section numbers: Adopted Action:

2760.5 amendment

2760.10 amendment

2760.30 amendment

2760.40 amendment

4) Statutory Authority: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3025 and 3020(f)). (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/25 and 947/20].

5) Effective Date of Rule(s) Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 16, 1993

9) Notice(s) of Proposal Published in Illinois Register:

February 5, 1993, 17 Ill. Reg. 1497

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version:

The only changes made in this rulemaking were minor technical corrections suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2760.10(a) and (b) have been revised to

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reflect the change in the Higher Education Student Assistant Act which removed the "good moral character" requirement from among the eligibility criteria for this program. (See P.A. 87-997.) The amendments to the other sections of this Part are merely for clarification.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23. EDUCATION AND CULTURAL RESOURCES
SUBTITLE A. EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760

STATE SCHOLAR PROGRAM

Section

2760.5 Summary and Purpose

2760.10 Selection Criteria

2760.30 Testing and Glass Ranking of Students to be Considered for Program

2760.40 Other Information

AUTHORITY: Implementing Section 25 and authorized by Section 20 (f) of the Higher Education Student Assistance Act (111 Rev. Stat. 1991, ch. 144, par. 3025 and 3020(f)). (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/25 and 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980, rules repealed; new rules adopted at 5 Ill. Reg. 755, effective June 26, 1981, amended at 6 Ill. Reg. 8413, effective June 30, 1982, codified at 7 Ill. Reg. 10878, amended at 9 Ill. Reg. 20877, effective January 1, 1986, amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 1437, effective August 10, 1987; amended at 13 Ill. Reg. 8634, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868, amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 10321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993.

Section 2760.5 Summary and Purpose

- a) The State Scholar Program publicly and personally identifies graduating high school seniors who possess superior academic potential. Each student named designated as a State Scholar receives a Certificate of Achievement and statewide recognition in the news media. The Illinois Student Assistance Commission (ISAC) provides the names of State Scholars to Illinois colleges and universities which actively seek State Scholars for admission. No financial assistance is awarded by ISAC through this program.
- b) This Part establishes Rules which govern the State Scholar Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended 17 Ill. Reg. 10624, effective July 1, 1993, 1993)

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Section 2760.10 Selection Criteria

- a) The State Scholar Program designates high school seniors as State Scholars if Applicants candidates: demonstrate superior academic potential as measured by test scores and high school records; are Citizens of the United States or Eligible Non-citizens Noncitizens; are Residents of the State of Illinois; and possess Good Moral Character. To be eligible for State Scholar designation, Applicants must rank in the upper half of their class.
- b) For the purposes of this Part, "Good Moral Character" is defined as a student's personal record of conduct, determined by the high school to be in keeping with school and community standards. High schools which withhold their certification of students for reasons of "moral character" shall have the responsibility of explaining their positions, in writing, to parties which have a proper and valid interest in this information.

(Source: Amended at 17 Ill. Reg. 10624, effective July 1, 1993)

Section 2760.30 Testing and Class Ranking of Students to be Considered for Program

- a) To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the Scholastic Aptitude Test (SAT), during his/her fifth or sixth semester. Students planning to be graduated graduate in other than the traditional four years must take such examination in an equivalent Term; e.g., the three-year graduate must take the examination in the third or fourth semester.
- 1) A student may take either or both examinations during the designated period.
- 2) All scores from such tests taken during the designated period must be submitted to ISAC.
- 3) If a student submits scores from any two examinations taken during the designated period, ISAC will use the higher of the two scores.
- 4) If the student submits scores from more than two examinations, taken during the designated period, ISAC will disregard the lowest score and use the average of the remaining scores.
- 5) When a student submits scores to ISAC, the student must report his/her Academic Level at the time the test was taken.

- b) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- c) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (a) and (b).
- d) High Schools shall provide to ISAC the sixth semester class ranks of students who desire to be considered for the State Scholar Program.

1) Class ranks are to be calculated so that the class rank for the lowest Grade Point Average (GPA) equals the total number of students being ranked.

Example:	Class Rank	GPA
1	99.3	
2	98.9	
3	98.9	
4	98.1	
5	97.9	
6	97.9	
7	97.4	

- 2) The equivalent Term rank shall be provided for students planning to be graduated graduate in other than the traditional four years; for example, class ranks for three-year graduates shall be as determined at the conclusion of the fourth semester.
- e) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:
 - 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score.
 - 2) The Scholastic Aptitude Test Scores shall become the Illinois Standard Test Score after first multiplying the SAT verbal score by 2, adding that result to the SAT math score, then using the table below for SAT 2V + M.

Illinois Standard Test Score Table

Illinois Standard Score	SAT 2V+ M	ACT Composite
36	-----	36

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35	2280 to 2400	35
34	2200 to 2270	34
33	2090 to 2190	33
32	2000 to 2080	32
31	1920 to 1990	31
30	1830 to 1910	30
29	1750 to 1820	29
28	1680 to 1740	28
27	1610 to 1670	27
26	1550 to 1600	26
25	1480 to 1540	25
24	1430 to 1470	24
23	1380 to 1420	23
22	1340 to 1370	22
21	1300 to 1330	21
20	1250 to 1290	20
19	1210 to 1240	19
18	1170 to 1200	18
17	1140 to 1160	17
16	1100 to 1130	16
15	1060 to 1090	15
14	1010 to 1050	14
13	960 to 1000	13
12	910 to 950	12
11	870 to 900	11
10	820 to 860	10
9	810 and below	9

f) High School class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) Student, determine the percentile of the class rank for each student in accordance with the following formula:
Percentile = [Size of Class MINUS (Rank in Class minus .5)] divided by Size of Class

- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.53 - 99.74	29
99.19 - 99.52	28
98.62 - 99.18	27
97.79 - 98.61	26
96.41 - 97.78	25
94.53 - 96.40	24
91.93 - 94.52	23

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85.50 - 91.92	22
84.14 - 85.49	21
78.82 - 84.13	20
72.38 - 78.81	19
65.36 - 72.37	18
57.93 - 65.35	17
50.00 - 57.92	16

g) An Illinois Weighted Selection Score for each student shall be computed by multiplying the Illinois Standard Test Score by two, and adding that result to the Illinois Standard Rank Score.

h) In any Academic Year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.

i) Notwithstanding the previous provisions in this Part Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the American College Testing (ACT) standardized assessment examination, or the equivalent thereof on a comparable examination.

(Source: Amended at 17 Ill. Reg. 10624, effective July 1, 1993 1993)

Section 2760.40 Other Information

a) High School officials or student Applicants candidates shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See: 23 Ill. Adm. Code 2700.70, Appeal Procedures.)

b) A Certificate of Achievement and congratulatory letter shall be sent to each State Scholar.

c) A listing of State Scholars shall be available to colleges, high schools, members of the General Assembly, and to the media.

d) If an appeal concerning an Applicant's eligibility is received, ISAC shall request the high school to verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

e) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Such requesters Requestors of labels shall provide written assurance

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to ISAC that the labels will not be resold or released to others in any manner.

(Source: Amended at 17 Ill. Reg. 10624, effective July 1, 1993 1993)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: Student to Student (STS) Program of Matching Grants

2) Code Citation: 23 Ill. Adm. Code 2770

3) Section numbers: Adopted Action:

2770.10 amendment

2770.20 amendment

2770.30 amendment

4) Statutory Authority: Implementing Section 65 and authorized by the Section 20(f) of the Higher Education Student Assistant Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3065 and 3020(f)). (See P.A. 87-997, effective September 3, 1992) (110 ILCS 94/65 and 20(f)).

5) Effective Date of Rule(s) Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 16, 1993

9) Notice(s) of Proposal Published in Illinois Register:

February 5, 1993, 1 Ill. Reg. 1505

10) Has ICAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version:

The only changes made in this rulemaking were minor technical corrections suggested by the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory changes, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: Section 2770.10(a) has been amended to clarify

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the purpose of this program. Section 2770.20 has been changed to reflect the different codification scheme contained in P.A. 87-997, which affected the Higher Education Student Assistance Act. Section 2770.30(c) includes a technical amendment that was made during last year's revision of this Part and was inadvertently omitted from the adopted amendments to these rules.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1735 Lake Cook Road
Deerfield, IL 60015
(708) 948-8300

The full text of the adopted rules amendments begin on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION
PART 2770
STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section
2770.10
Definitions
2770.20
2770.30
Program Procedures and Requirements {renumbered}

AUTHORITY: Implementing Section 65 and authorized by the Section 20(f) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 144, pars. 3065 and 3020(f)) (See P.A. 87-997, effective September 3, 1992) [110 ILCS 947/65 and 20(f)].

SOURCE: Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at 16 Ill. Reg. 11329, effective July 1, 1992; amended at 17 Ill. Reg. 10632, effective July 1, 1993.

Section 2770.10 Summary and Purpose {renumbered}

a) Student to Student is a program of monetary awards matching grants are available to undergraduates for Scholarship Programs established by--student--organizations at state-supported Colleges and Universities through Voluntary Contributions from students and matching grants from the state.

b) This Part establishes Rules that govern the Student to Student (STS) Program of Matching Grants. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined Terms are indicated by the first letter being capitalized. Statutory language is italicized.

(Source: Amended at 17 Ill. Reg. 10632, effective July 1, 1993, 1993)

Section 2770.20 Definitions

"College or University" - means any of the State-supported institutions of higher learning administered by the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Regents of Regency Universities, the Board of Governors of State Colleges and Universities or the boards of trustees of public community college

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

districts as established and defined by the Public Community College Act. (Section 1 of the Student-to-Student-Grant-Act (Ill. Rev. Stat. 1990, Supp., ch. 144, par. 2(b)). (Section 65(a) of the Higher Education Student Assistance Act (Ill. Rev. Stat. 1991, ch. 124, par. 305(a)). (See P.A. 87-991, effective September 3, 1992) ILCS 947/65(a)).

"Scholarship" - Program means a program established for undergraduate scholarships at a college or university in this State and for which the student receives funds from voluntary contributions from students. (Section 1 of the Student-to-Student-Grant-Act.)

"Voluntary Contribution" - Includes fees collected from students by college or university officials when such fee is optional or refundable to students and has been approved by a majority of those voting in a campus-wide referendum of students. (Section 1.55(a) of the Higher Education Student Assistance Student-to-Student-Grant Act.)

(Source: Amended at 17 Ill. Reg. 10632, effective July 1, 1993, 1993)

Section 2770.30 Program Procedures and Requirements (renumbered)

- a) An eligible program is an organized, need-based monetary award (gift assistance) program for undergraduate students at an Illinois College or public University. The funds for such those programs must be derived from Voluntary Contributions raised by students from students of that College or University according to a plan developed and approved by the students and consistent with College or University policies.
- b) Voluntary Contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by the Commission.
- c) Students shall approve the plan for raising Voluntary Contributions by a majority of those voting in a campus-wide referendum.
- d) The contributions, to be eligible for matching funds, must be voluntary (as contrasted to a non-refundable fee or charge). Only those Voluntary Contributions made by enrolled students of the College or University are eligible for matching. If any fund raising activity yields contributions from other individuals or organizations, the Voluntary Contributions by enrolled students must be clearly identifiable.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

- e) Particular care must be employed in implementing contribution plans that generate contributions from non-students. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.
- f) No eligible contribution can exceed \$9.00 per academic year.
- g) The \$1,000 annual limit on a STS award shall be applicable to all terms including the summer term.
- h) Only students who demonstrate need by some nationally recognized needs analysis system can be considered for STS matching grants.
- i) STS funds can be used for undergraduates who are otherwise eligible for an ISAC monetary award but have completed their ten (10) semesters or fifteen (15) quarters of eligibility.
- j) Each institution desiring to participate in this program shall inform ISAC, annually in writing, by the deadline specified by the Commission. The method of seeking student approval of a fund raising plan shall be included in such letter.
- k) A claim for matching funds can be submitted to ISAC by dates specified by the Commission. The initial claim shall include:
 - 1) the amount of the claim;
 - 2) how general student approval was obtained;
 - 3) how funds were collected;
 - 4) the steps employed to insure that student contributions were voluntary; and
 - 5) documentation that the claim includes only Voluntary Contributions by enrolled students.
- l) A supplementary claim can be filed after a filing date for the purpose of adjusting a regular claim filed earlier.
- m) A pro-rata distribution, if any, will be determined in accordance with general Commission action.
- n) After ISAC has reviewed a claim and computed the proration, ISAC shall process the necessary voucher for a check payable to the College or University for the awards.
- o) Each participating College or University shall submit to ISAC an annual report, by not later than September 15, following the award

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT(S)

year, of the activities, operations, and results of its STS grant program, ISAC shall forward a copy of such report to the Illinois Board of Higher Education.

(Source: Amended at 17 Ill. Reg. 10632, effective July 1, 1993, 1993)

STATE BOARD OF EDUCATION

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Register Citation to Notice of Proposed Rules:
- 4) Dates, Times, and Locations of Public Hearings:
August 17, 1993; 1:00 - 4:00 p.m.; Ramada Inn, Route 57, Mt. Vernon, Illinois.
August 25, 1993; 1:00 - 4:00 p.m.; Office of the State Board of Education, 100 North 1st Street, Springfield, Illinois.
August 27, 1993; 1:00 - 4:00 p.m.; Hyatt-Regency Hotel, 151 East Wacker, Chicago, Illinois.
- 5) Other Pertinent Information:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Narrative and Planning Policies

2) Code Citation:

77 Ill. Adm. Code 1100

3) Register Citation to Notice of Proposed Amendments:

17 Ill. Reg. 8144 (June 4, 1993)

4) Date, Time and Location of Public Hearing:

10:00 a.m. - 12:00 p.m.

July 21, 1993

Illinois Department of Public Health

1st Floor Training Room

525 West Jefferson

Springfield, Illinois 62761

5) Other Pertinent Information:

This public hearing will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing.

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Processing, Classification Policies and Review Criteria

2) Code Citation:

77 Ill. Adm. Code 1110

3) Register Citation to Notice of Proposed Amendments:

17 Ill. Reg. 8149 (June 4, 1993)

4) Date, Time and Location of Public Hearing:

10:00 a.m. - 12:00 p.m.

July 21, 1993

Illinois Department of Public Health

1st Floor Training Room

525 West Jefferson

Springfield, Illinois 62761

5) Other Pertinent Information:

This public hearing will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing.

1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
BY MERCANTILE BANCORPORATION INC.,
ST. LOUIS, MISSOURI, TO ACQUIRE
MT. VERNON BANCORP, INC.,
MT. VERNON, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (205 ILCS 10/3.071 (d) (1992)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Mercantile Bancorporation Inc., Seventh and Washington Streets, St. Louis, Missouri 63101, to acquire Mt. Vernon Bancorp, Inc., Tenth & Broadway, Mt. Vernon, Illinois 62864.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Neal J. O'Brien
Bruce J. Baker
Commissioner of Banks and Trust Companies
Room 100 Reisch Building
117 South Fifth Street
Springfield, Illinois 62701.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 23, 1993 through June 29, 1993, and have been scheduled for review by the committee at its July 20, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/11/93	Department of Public Health, AIDS Confidentiality and Testing Code (77 Ill Adm Code 697)	3/5/93 17 Ill Reg 2687	7/20/93
8/11/93	Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill Adm Code 693)	3/5/93 17 Ill Reg 2711	7/20/93
8/11/93	Department of Public Health, Grade A Pasteurized Milk and Milk Products (77 Ill Adm Code 775)	1/29/93 17 Ill Reg 906	7/20/93
8/11/93	Department of Public Health, Manufactured Dairy Products (77 Ill Adm Code 785)	1/29/93 17 Ill Reg 920	7/20/93
8/11/93	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	10/30/92 16 Ill Reg 16320	7/20/93
8/11/93	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	10/30/92 16 Ill Reg 16531	7/20/93
8/11/93	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	10/30/92 16 Ill Reg 16541	7/20/93

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(Page 2)

Second Notice Expires	8/11/93	Agency and Rule	Start of First Notice	JCAR Meeting	7/20/93
		Department of Public Health, Intermediate Care for the Develop- mentally Disabled Facilities Code (77 Ill Adm Code 350)	10/2/92 16 Ill Reg 15044		

- 1) Heading of the Part: Access to Information of the Department on Aging
- 2) Code Citation: 2 Ill. Adm. Code 726
- 3) Section(s): 726.10
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] as amended pursuant to P.A. 87-823, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	New Cite
726.10	Existing Cite	Sec. 5-15
	Sec. 4.01	

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT ON AGING

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section(s): 240.450
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
240.450	Sec. 12	Sec. 10-40

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT ON AGING

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Introduction
- 2) Code Citation: 89 Ill. Adm. Code 210
- 3) Section(s): 210.40
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
210.40	Sec. 1	Sec. 1-1

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT ON AGING

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Older Americans Act Programs
- 2) Code Citation: 89 Ill. Adm. Code 230
- 3) Section(s): 230.20
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
230.20	Sec. 1	Sec. 1-1

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT ON AGING

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 725
- 3) Section(s): Authority Note
725.130
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
Authority Note	Sec. 4.01	Sec. 5-15
725.130	Sec. 1	Sec. 1-1

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

OFFICE OF THE AUDITOR GENERAL
NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Code of Rules
- 2) Code Citation: 74 Ill Adm Code 440
- 3) Sections:
Authority Note
440.310
440.330
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 8	Sec. 5-145
	Par. 1008	Par. 1005-145
440.310	Sec. 8	Sec. 5-145
	Par. 1008	Par. 1005-145
440.330	Par. 1008	Par. 1005-145

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

OFFICE OF THE AUDITOR GENERAL
NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Freedom of Information
- 2) Code Citation: 2 Ill Adm Code 601
- 3) Sections:
Authority Note
601.100
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01	Sec. 5-15
	Par. 1004.01	Par. 1005-15
601.100	Sec. 4.01	Sec. 5-15
	Par. 1004.01	Par. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

OFFICE OF THE AUDITOR GENERAL
NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Post Audit Guidelines
- 2) Code Citation: 74 Ill Adm Code 470
- 3) Sections: 470.100
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
470.100	Sec. 3.09 Par. 1003.09	Sec. 1-70 Par. 1001-70

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

OFFICE OF THE AUDITOR GENERAL
NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Public Information, Rulemaking and Organization and Personnel
- 2) Code Citation: 2 Ill Adm Code 600
- 3) Sections: Authority Note
600.110
600.210
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01	Sec. 5-15
	Par. 1004.01	Par. 1005-15
600.110	Par. 1004.01	Par. 1005-15
600.210	Par. 1004.01	Par. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF HUMAN RIGHTS

DEPARTMENT OF HUMAN RIGHTS

NOTICE PURSUANT TO P.A. 87-823

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of the Part: Access to Information
- 2) Code Citation: 2 Ill Adm Code 926
- 3) Sections: Authority Note
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) {5 ILCS 100/1-1 et seq.}, as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in its rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01	Sec. 5-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

- 1) Heading of the Part: Procedural
- 2) Code Citation: 56 Ill Adm Code 2520
- 3) Sections: 2520.730
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) {5 ILCS 100/1-1 et seq.}, as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in its rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
2520.730	Sec. 5.01(a)(5)	Sec. 5-40(b)(5)

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS REGISTER

DEPARTMENT OF HUMAN RIGHTS

NOTICE PURSUANT TO P.A. 87-823

- 1) **Heading of the Part:** Public Information, Rulemaking and Organization
- 2) **Code Citation:** 2 Ill Adm Code 925
- 3) **Sections:** Authority Note
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in its rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01	Sec. 5-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS REGISTER

LEGISLATIVE INFORMATION SYSTEM

NOTICE PURSUANT TO P.A. 87-823

- 1) **Heading of Part:** Public Information, Rulemaking and Organization
- 2) **Code Citation:** 2 Ill Adm Code 150
- 3) **Sections:** Authority Note
150.105
150.110
150.205
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01	Sec. 5-15
150.105	Par. 1004.01	Par. 1005-15
150.110	Par. 1001	Par. 1001-1
150.205	Par. 1004.01	Par. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

PROCLAMATION

93-214

93RD ILLINOIS VOLUNTEER INFANTRY DAY

Whereas, the 93rd Illinois Volunteer Infantry was comprised of one thousand northern Illinois citizens who answered Abraham Lincoln's call to preserve the Union during the American Civil War;

Whereas, the 93rd Illinois Volunteer Infantry left family and friends suffer the highest percentage of battlefield deaths of all 156 regiments commissioned by the government of Illinois; and

Whereas, during this 130th anniversary year, the citizens of northern Illinois are sponsoring parades, living history encampments, and museum dedications to commemorate the 93rd's great sacrifice at the battles of Jackson, Champion Hill, Vicksburg, Missionary Ridge, Allatoona Pass, and Sherman's March to the sea; and

Whereas, the new 93rd Illinois Volunteer Infantry, the first authentic Living History Regiment in the State of Illinois, will represent its namesake in local, country, state, and national events during 1993 and in years to come; and

Whereas, the Longstreet Society, a nonprofit organization whose mission is to advance Civil War soldiers and other veterans to their rightful place in the limelight of American history, has placed the 93rd Illinois Volunteer Infantry at the forefront;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 13, 1993, as 93RD ILLINOIS VOLUNTEER INFANTRY DAY in Illinois, and join with the citizens of Bureau, Stephenson, Rock Island, and Whiteside counties and all of Illinois in commemorating the exploits of these courageous patriots.

Issued by the Governor March 30, 1993.
Filed with the Secretary of State June 24, 1993.

93-215

HOME EDUCATION WEEK

Whereas, the State of Illinois is committed to excellence in education; and

Whereas, the State of Illinois recognized the importance of family support in educational programs; and

Whereas, home education was proven successful in the lives of George Washington, Thomas Edison, Helen Keller, Agatha Christie, Franklin Roosevelt, and others and may be administered in Illinois under statutory requirements of the school code;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25-May 1, 1993, as HOME EDUCATION WEEK in Illinois.

Issued by the Governor March 31, 1993.

Filed with the Secretary of State June 24, 1993.

93-216

ECONOMIC EDUCATION AWARENESS DAY

Whereas, the Illinois Council on Economic Education (ICEE) is a nonprofit corporation created to help Illinois citizens improve their understanding of economics; and

Whereas, the primary focus of the council is working with teachers and administrators to integrate economics into the school curriculum and increase students' economic understanding;

And Whereas, ICEE administrative officers at Northern Illinois University in DeKalb work through a network of Centers for Economic Education located at universities and colleges throughout Illinois; and

Whereas, the council and its centers deliver four statewide programs, Illinois classrooms, the Developmental Economic Education Program (DEEP), the Stock Market Game, Illinois Awards for Excellence in the Teaching of Economics, and Illinois Business Week; and

Whereas, the council represents a strong partnership between education, business, labor, and government and offers a cost-efficient, effective process which has a lasting impact;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 11, 1993, as ECONOMIC EDUCATION AWARENESS DAY in Illinois.

Issued by the Governor April 1, 1993.

Filed with the Secretary of State June 24, 1993.

93-217

HOLOCAUST COMMEMORATION MONTH

Whereas, the Warsaw Ghetto Uprising began on April 19, 1943, and ended July 26, 1943, after 60,000 Jews lost their lives resisting Nazi troops; and

Whereas, during April, the Jewish community worldwide commemorates the Warsaw Ghetto Uprising and memorializes the annihilation of six million Jews and countless others during the Holocaust; and

Whereas, this annual memorial emphasizes the importance of remaining vigilant against renewed anti-Semitism, oppression, and racism. It encourages people to remember the atrocities that took place 50 years ago and to use those memories as a basis to educate our children for a better future; and

Whereas, the remembrance of the Warsaw Ghetto Uprising helps our nation in its efforts to end racial and religious oppression and renews our commitment to faith and freedom; and

Whereas, the 50th commemoration of the Warsaw Ghetto Uprising, sponsored by the Midwest Jewish Council, will be held Sunday, April 29, 1993, at Mather High School in Chicago; and Whereas, citizens of many faiths will be present to pay homage to those heroic individuals who sacrificed their lives for their beliefs; Preservation of Basic Human Rights; State of Illinois, proclaim April 1993 as HOLIDAY COMMEMORATION MONTH in Illinois and urge citizens of all faiths to observe the memorial services planned for this time.

Issued by the Governor April 1, 1993.

Filed with the Secretary of State June 24, 1993.

93-218

LOGISTICS WEEK

Whereas, the Council of Logistics Management, founded in 1963, and its later-founded affiliate, the Chicago Roundtable, are nonprofit educational organizations that promote the logistics process in our state and our nation; and Whereas, the council defines logistics as the process of planning, implementing, and controlling the efficient, cost-effective flow and storage of raw materials, in-process inventory, finished goods, and related information from point of origin to point of consumption for the purpose of conforming to customer requirements; and

Whereas, logistics processes contribute to the economic well-being of Illinois, boosting economic growth and business; and

Whereas, the council is observing April 5-9, 1993, as Logistics Week to promote the understanding and practice of Logistics;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 5-9, 1993, as LOGISTICS WEEK in Illinois.

Issued by the Governor April 1, 1993.

Filed with the Secretary of State June 24, 1993.

93-219

MEDICAL ASSISTANTS WEEK

Whereas, the health of all our citizens is directly affected by the many professional medical assistants who support and assist physicians in rendering life-saving services; and

Whereas, many medical assistants seek to maintain the highest standards of professional excellence by taking advantage of educational programs offered by professional organizations such as the Illinois Society of Medical Assistants. This involvement ensures that our citizens receive the best medical care possible;

and Whereas, we should commend the dedication of those in medical fields who seek to upgrade their profession and improve their careers as valuable members of medical teams;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 19-25, 1993, as MEDICAL ASSISTANTS WEEK in Illinois. On behalf of the citizens of Illinois, I extend thanks to all the medical assistants who have given their best to this profession so that we all may receive quality medical care.

Issued by the Governor April 1, 1993.

Filed with the Secretary of State June 24, 1993.

93-220

MEDICAL LABORATORY WEEK

Whereas, approximately 250,000 certified laboratory personnel, including pathologists, medical technologists, laboratory scientists, specialists, and technicians work in more than 12,000 medical laboratories in the United States; and Whereas, these highly trained and dedicated health professionals make invaluable contributions to quality health care and save countless lives each day by providing reliable laboratory test results required for the prevention, detection, diagnosis, and treatment of disease; and

Whereas, we should recognize the honorable profession of laboratory medicine;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 11-17, 1993, as MEDICAL LABORATORY WEEK in Illinois.

Issued by the Governor April 1, 1993.

Filed with the Secretary of State June 24, 1993.

93-221

SKY AWARENESS WEEK

Whereas, Sky Awareness Week was started in 1991 to increase people's knowledge, awareness, and appreciation of the sky and the life-sustaining sun, air, and water; and;

Whereas, Sky Awareness Week provides an opportunity to emphasize the importance of protecting these valuable environmental resources. Air and water quality, ozone depletion, and global warming are all areas of concern which need to be intensely studied and addressed; and

Whereas, valuable information about cloud types, weather patterns, and atmospheric change can be obtained through studies of the sky; and

Whereas, during Sky Awareness Week, weather broadcasters, teachers, nature and science center staffs, planetarium

personnel, and others are encouraged to promote appreciation of the sky as a natural resource, a vehicle for studying science, and an object of wondrous beauty;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25-May 1, 1993, as SKY AWARENESS WEEK in Illinois and urge our citizens to look up and enjoy the sky.

Issued by the Governor April 1, 1993.
Filed with the Secretary of State June 24, 1993.

93-222

WEEK OF THE YOUNG CHILD

Whereas, our children are the most valuable resources of our state and our nation; and

Whereas, young children are directly affected by major issues such as health care, education, the economy, and the nation's long-term deficit; and

Whereas, young children are the future of our nation, and the efforts and investments we make now for their care, education, and good health will certainly be repaid to us in the future; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 2-8, 1993, as WEEK OF THE YOUNG CHILD in Illinois; I encourage citizens to take responsibility in assuring the health and future success of our young people.

Issued by the Governor April 1, 1993.
Filed with the Secretary of State June 24, 1993.

93-223

CHILD ABUSE PREVENTION MONTH

Whereas, child abuse causes lasting damage to children and collateral damage to the very fabric of life in America; and

Whereas, child abuse is a growing crisis that now victimizes a reported 2.7 million children each year. One of every 3 girls and 1 of every 7 boys will be sexually molested before they reach the age of 18; and

Whereas, child abuse is the leading cause of death for children under the age of five; and

Whereas, sexually transmitted diseases now strike more children each year than polio did during the 11 years of the polio epidemic; and

Whereas, 80 percent of the adults who abuse children were themselves victims of child abuse. In more than 80 percent of child abuse cases, the perpetrator is the child's parents or is known to the child; and

Whereas, child abuse can be stopped only if every adult helps to identify, rescue, and treat victims and perpetrators and helps to educate people about the problem and how to prevent or solve

it; and

Whereas, child abuse can be stopped only if every adult helps to identify, rescue, and treat victims and perpetrators and helps to educate people about the problem and how to prevent or solve it; and

Whereas, the Independent Order of Foresters is observing April 18-24, 1993, as Child Abuse Awareness Week in order to boost the effectiveness of Child Abuse Prevention Month;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1993 as CHILD ABUSE PREVENTION MONTH in Illinois and urge all citizens to help fight child abuse through education, public awareness campaigns, and community involvement.

Issued by the Governor April 7, 1993.
Filed with the Secretary of State June 24, 1993.

93-224

CINCO DE MAYO DAY

Whereas, the spirit of unity between the United States of America and the United States of Mexico is enhanced by more clearly understanding and appreciating their respective struggles for freedom;

Whereas, Mexico celebrates the Cinco de Mayo (Fifth of May), recalling its struggle for freedom from France in its noted Batalla de Puebla on May 5, 1862, led by General Ignacio Zaragoza, a Mexican-American born in Texas; and

Whereas, from the time of the Revolutionary War through today, thousands of Hispanics, including Mexicans, have participated in the United States' struggle for independence; and

Whereas, the tenth annual Cinco de Mayo Banquet will be held Saturday, May 1, 1993, at the Chicago Athletic Association. Several scholarships will be presented to Hispanic students enrolled in high school and university ROTC programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 5, 1993, as CINCO DE MAYO DAY in Illinois.

Issued by the Governor April 7, 1993.
Filed with the Secretary of State June 24, 1993.

93-225

COAL AWARENESS WEEK

Whereas, coal production is Illinois' second-largest industry, providing direct employment for more than 9,700 Illinoisans as well as related employment for tens of thousands of others; and

Whereas, coal has played a pivotal role in the history and development of Illinois as a vital social, industrial, and economic power; and

Whereas, coal adds to the quality of all our lives, through its contribution to the economy and its use in generating nearly 60 percent of America's electricity; and

Whereas, Illinois has been and continues to be a leader in the effort to find and promote ways to burn our vast coal resources without causing harm to the environment and has committed more than \$191 million to these efforts so far, thus deriving an additional \$915 million in federal and private funds;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 17-23, 1993, as COAL AWARENESS WEEK in Illinois, and I urge citizens to help support this highly important Illinois industry.

Issued by the Governor April 7, 1993.

Filed with the Secretary of State June 24, 1993.

93-226

DRAZA MIHAILOVICH DAY

Whereas, General Draza Mihailovich was the leader of the first resistance movement in Europe during World War II; and

Whereas, history has credited the general and his men with forcing Adolf Hitler to postpone his intended assault on Russia, which ultimately became the turning point of the war and secured the liberation of Europe and the survival of the free world; and

Whereas, General Mihailovich and the men who fought with him were responsible for saving the lives of hundreds of Allied airmen, including many American pilots; and

Whereas, for his efforts and courage on behalf of the Allied cause, General Mihailovich was posthumously awarded the Legion of Merit by U.S. President Harry S. Truman. He is the only person to ever receive this honor; and

Whereas, in honor of the general's 100th birthday, a Draza Mihailovich Commemoration Celebration will be held April 23, 1993, in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23, 1993, as DRAZA MIHAILOVICH DAY in Illinois to recognize the contributions of General Mihailovich and his valiant men in the fight for freedom.

Issued by the Governor April 7, 1993.

Filed with the Secretary of State of June 24, 1993.

93-227

FOSTER PARENT APPRECIATION MONTH

Whereas, to foster means to nourish, cherish, and encourage, which is what foster parents do for emotionally needy children whose natural parents can no longer provide them with care; and

Whereas, more than 27,000 children in Illinois, a significant

number of which are African-American or Hispanic, need appropriate foster care; and

Whereas, foster parents meet a very special need in our society by ensuring that these children receive attention, respect, understanding, and compassion, as well as educational and health care services; and

Whereas, thousands of adults in Illinois have volunteered to be substitute parents through the Foster Parent Program, and their contributions to the welfare of our children are incalculable and irreplaceable;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as FOSTER PARENT APPRECIATION MONTH in Illinois.

Issued by the Governor April 7, 1993.

Filed with the Secretary of State June 24, 1993.

93-228

JUNIOR HIGH STUDENT GOVERNMENT WEEK

Whereas, Illinois Association of Junior High Student Councils (IAJHSC) was established March 21, 1958, to develop leadership qualities in junior high students and educate them about the workings of a student council; and

Whereas, members of the IAJHSC, through their student government organization, learn the democratic process of governing and elections. Students share ideas, meet new friends, and elect their representatives for the next year to serve on the IAJHSC Executive Board; and

Whereas, the association provides an avenue for advisors and students to exchange ideas and to solve problems by sharing experiences; and

Whereas, through their student government organization, young citizens develop leadership qualities and independence. They learn the value of teamwork, which will make them better leaders for our country tomorrow; and

Whereas, the IAJHSC will hold its 34th state convention April 23 and 24 in Lisle, with the theme "Spread Your Wings And Soar";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18-24, 1993, as JUNIOR HIGH STUDENT GOVERNMENT WEEK in Illinois.

Issued by the Governor April 7, 1993.

Filed with the Secretary of State June 24, 1993.

93-229

LONG-TERM CARE NURSES WEEK

Whereas, long-term care nurses in the State of Illinois have committed themselves to providing the highest quality of care to the young, old, and disabled individuals of our state; and

Whereas, long-term care nurses face ever-increasing medical demands to provide rehabilitation and the best possible quality of life for their patients; and

Whereas, more than 1,000 licensed long-term care and extended care facilities rely on long-term care nurses for support and leadership; and

Whereas, the Illinois Health Care Association, which represents nearly 400 of our state's long-term care providers, is observing May 6-12, 1993, as Illinois' Long-term Care Nurses Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6-12, 1993, as LONG-TERM CARE NURSES WEEK in Illinois in recognition of the dedication these nurses have shown in providing quality long-term care for our citizens.

Issued by the Governor April 7, 1993.

Filed with the Secretary of State June 24, 1993.

93-230
PROFESSIONAL SECRETARIES WEEK/
PROFESSIONAL SECRETARIES DAY

Whereas, professional secretaries contribute to our state's economic climate; and

Whereas, professional secretaries in business, education, and government ensure work-force productivity in Illinois; and

Whereas, the professionalism and leadership of these secretaries enhance commerce in our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18-24, 1993, as PROFESSIONAL SECRETARIES WEEK and April 21, 1993, as PROFESSIONAL SECRETARIES DAY in Illinois in recognition of these hard-working individuals and the contributions they make to the business community.

Issued by the Governor April 7, 1993.

Filed with the Secretary of State June 24, 1993.

93-231
CERTIFIED NURSE ASSISTANT DAY

Whereas, certified nurse assistants (CNAs) working in long-term care facilities provide compassionate and concerned care for residents and their families; and

Whereas, nearly 90 percent of the direct nursing care given to residents in long-term care facilities is provided by CNAs; and

Whereas, CNAs have improved the quality of life for tens of thousands of frail and elderly Illinois citizens and have helped them achieve their highest functioning level;

Therefore, I, Jim Edgar, Governor of the State of Illinois,

proclaim June 3, 1993, as CERTIFIED NURSE ASSISTANT DAY in Illinois in recognition of our state's 165,000 certified nurse assistants.

Issued by the Governor April 8, 1993.

Filed with the Secretary of State June 24, 1993.

93-232
GOLDEN GLOVES DAYS

Whereas, "Golden Gloves" boxing was born in 1923 when Chicago Tribune sports editor Arch Ward created a tournament to promote amateur boxing competition for youth. A tiny golden glove was awarded to the winner of each weight division; and

Whereas, in 1928, the Chicago Tribune and the New York Daily News sponsored the second Golden Gloves tournament, beginning the first of the annual competitions. Today, tournaments are held in regions throughout the United States, with winners competing in an annual Tournament of Champions; and

Whereas, amateur boxing, a sport for eager, healthy youth demands superior physical condition, mental alertness, fortitude, and discipline. It returns self-confidence, honest pride, and valuable physical preparation; and

Whereas, educators, clergymen, social workers, recreation experts, and high school and college athletic coaches have praised Golden Gloves for its positive contribution toward youth development; and

Whereas, the Golden Gloves Franchise/Springfield Boxing Club will sponsor their annual tournament in Springfield April 23-25. The franchise area consists of approximately 27-29 clubs with more than 400 registered boxers and 200 volunteers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 23-25, 1993, as GOLDEN GLOVES DAYS in Illinois.

Issued by the Governor April 8, 1993.

Filed with the Secretary of State June 24, 1993.

93-233
HAROLD WASHINGTON DAY

Whereas, the late Chicago Mayor Harold Washington was born April 15, 1922; and

Whereas, Harold Washington served as a state representative from 1965 to 1977. During that time, he was principle author of many bills, including the Consumer Credit Reform Act, 1965; the Witness Protection Act, 1972; and the Dr. Martin Luther King, Jr. Holiday Act, 1972; and

Whereas, Harold Washington served as a state senator from 1977 to 1980; and

Whereas, from 1980 to 1983, he held a congressional office

and was influential in garnering support for the amendment to the Voting Rights Act; and
Whereas, Harold Washington encouraged and celebrated youth in the city of Chicago; and
Whereas, the Chicago Public Library is sponsoring the second annual commemorative birthday celebration in honor of Harold Washington with the program theme "One Chicago;"
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 15, 1993, as HAROLD WASHINGTON DAY in Illinois.
Issued by the Governor April 8, 1993.
Filed with the Secretary of State June 24, 1993.

93-234 LIFELINE PILOTS MONTH

Whereas, Lifeline Pilots is an emergency volunteer organization, started in 1980 by a handful of pilots who wanted to use their skill to help their fellow citizens; and
Whereas, the organization has grown to include approximately 350 pilots who donate their time, skills, and use of their planes to make vital medical treatment more easily accessible to those who need it; and
Whereas, an individual does not have to be a pilot to serve as a Lifeline Pilot volunteer--many volunteers help with the group's myriad administrative and organizational tasks; and
Whereas, Lifeline Pilots provide assistance in instances where time, finances, or logistics are factors. Their services are free of charge; and
Whereas, Lifeline Pilots have flown more than 650 missions and have transported organs, blood, blood products, tissue, medical teams, patients, and disaster relief supplies and personnel;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1993 as LIFELINE PILOTS MONTH in Illinois, and commend the organization's volunteers for the outstanding, selfless, and vital assistance they have provided to our citizens.
Issued by the Governor April 9, 1993.
Filed with the Secretary of State June 24, 1993.

93-235 ORGAN AND TISSUE DONOR AWARENESS WEEK

Whereas, in Illinois today, proven medical techniques make it possible to transplant kidneys, hearts, livers, bones, bone marrow, corneas, and skin; and
Whereas, many people already have been given the gifts of hearing and sight, freedom from dialysis, and a normal, healthy

future, thanks to organ transplants, but many more wait in vain because there aren't enough organ donors; and
Whereas, although the number of donors in Illinois has not increased since 1991, and although the 179 individuals who were organ donors in 1992 gave 647 organs, the waiting lists for organ transplantations rose by 28 percent; and
Whereas, anyone, regardless of age or condition, can become an organ donor. In Illinois, a witnessed signature on the back of a driver's license or on a uniform donor card verifies donor status.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18-24, 1993, as ORGAN AND TISSUE DONOR AWARENESS WEEK in Illinois, and I urge everyone to seriously consider becoming an organ donor.
Issued by the Governor April 9, 1993.
Filed with the Secretary of State June 24, 1993.

93-236 GAMMA PHI CIRCUS WEEK

Whereas, founded in 1929, Gamma Phi Circus is currently celebrating its 64th year of instruction and entertainment in central Illinois; and

Whereas, the Gamma Phi Circus is the oldest and largest collegiate circus in the United States; and

Whereas, each year the circus performs in several school assemblies and fundraisers, and charity, civic, and community events throughout Illinois; and

Whereas, the Gamma Phi Circus will present its 57th annual show April 11-17, 1993, continuing the dedication of the performers and the true art of making people smile;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 11-17, 1993, as GAMMA PHI CIRCUS WEEK in Illinois.
Issued by the Governor April 12, 1993.

Filed with the Secretary of State June 24, 1993.

93-237 QUEEN ISABELLA DAY

Whereas, in 1492, Queen Isabella of Castile, wife of King Ferdinand the Second of Aragon, agreed to outfit Columbus' expedition to the New World; and

Whereas, Queen Isabella's strong support of exploration led to the discovery of America on October 12, 1492; and

Whereas, the foresight of Queen Isabella paved the way for immigrants from all over the world, who came to build new lives and a new nation; and

Whereas, the history of America is tied to the history of

Spain and its illustrious Queen through the common bonds of friendship, tradition, dignity, and the people of Spain; and Whereas, on April 22, 1993, the people of Spain and America will celebrate the 542nd birthday of Queen Isabella;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22, 1993, as QUEEN ISABELLA DAY in Illinois and urge citizens to be cognizant of this historic event.

Issued by the Governor April 13, 1993.
Filed with the Secretary of State June 24, 1993.

93-238

HIV TALK RADIO DAY

Whereas, the HIV Talk Radio Project is an independent, not-for-profit organization whose mission is to provide a continuous forum for the dissemination of HIV/AIDS (STD) social, legal, and medical information to increase fundamental understanding and awareness of HIV disease and the AIDS epidemic; and

Whereas, the project is managed by an executive producer and a volunteer board of directors comprised of professionals from HIV service organizations, the health care industry, the communications field, the legal field, and other concerned individuals; and

Whereas, the project's program, "Aware: HIV Talk Radio", is the nation's first weekly, 30-minute public affairs radio show dedicated to providing information on HIV/AIDS issues. The show airs on WNUA-FM every Sunday morning and reaches more than 15,000 people weekly; and

Whereas, on April 25, Chicagoans will gather at the Fairmont Hotel for a benefit to support "Aware: HIV Talk Radio". The event, Brunch and All That Jazz, will help raise funds to support the national syndication of the radio talk show. The event will feature guest of honor Leanza Cornet, Miss America 1993, whose platform is AIDS awareness, and jazz artist Diane Schuur;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25, 1993, as HIV TALK RADIO DAY in Illinois.

Issued by the Governor April 13, 1993.
Filed with the Secretary of State June 24, 1993.

93-239

36TH INFANTRY DIVISION DAY

Whereas, the 36th Infantry Division was originally part of the Texas National Guard. The division served during the Spanish-American War, helped the Texas Rangers along the Rio Grande Border, went to France during World War I and II, and were the first American soldiers to set foot on European soil at

Salerno, Italy, on September 9, 1943; and Whereas, during the invasion of Southern France in August 1944, the division suffered more than 27,000 casualties, the third highest of any World War II divisions; and

Whereas, thousands of these soldiers were decorated for their courage in battle, with 15 receiving the Congressional Medal of Honor, 80 the D.S.C., 2,354 the Silver Star, 5,407 the Bronze Star, and 12 the Presidential Unit Citations; and Whereas, although the 36th is known as the Texas Division, soldiers from all parts of the country were assigned to it as special units or replacement troops and proudly wore the "T" patch; and

Whereas, shortly after the end of World War II, the 36th Division was deactivated and now remains only as the 36th Division Association. The National Association is headquartered in Texas with several chartered chapters scattered throughout Texas and other parts of the United States. The Midwest Chapter of the association is the largest chapter located outside Texas; and

Whereas, the Midwest Chapter of the 36th Division of the Texas National Guard will be holding its annual reunion at the Pere Marquette Hotel in Peoria June 17-20, 1993; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 17-20, 1993, as 36TH INFANTRY DIVISION DAY in Illinois.

Issued by the Governor April 14, 1993.

Filed with the Secretary of State June 24, 1993.

93-240

ALCOHOL AWARENESS MONTH

Whereas, alcohol is the number one drug problem in Illinois; and

Whereas, one in four Illinoisans comes from a home in which one or more family members has an alcohol problem; and Whereas, alcohol is the most people drug on college campuses; nearly one in four students drinks three or more times a week, and alcohol use is directly linked to poor grades; and

Whereas, one in five youngsters between ages 14 and 17 is a "problem drinker"; and

Whereas, 16- to 24-year-olds comprise only 16 percent of the licensed drivers in Illinois, but they are involved in 36 percent of all fatal alcohol-related automobile crashes; and

Whereas, more than one-half of the criminal offenders convicted of violent crimes consumed alcohol just before the offense; and

Whereas, alcohol is often linked to suicides, domestic violence, accidents, and fires; and

Whereas, alcoholism and related problems cost Illinois

industries billions of dollars in lost productivity, absenteeism, on-the-job accidents, and insurance claims; the State of Illinois, Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1993 as ALCOHOL AWARENESS MONTH in Illinois, and I encourage all our citizens to support public awareness activities and programs throughout the year and especially during the month of April.

Issued by the Governor April 14, 1993.

Filed with the Secretary of State June 24, 1993.

93-241

IRVINE L. MANNING DAY

Whereas, Irvine L. Manning is a long-time resident and friend of the State of Illinois and the City of Springfield; and
Whereas, Irvine was born in 1903 in Fleming County, Kentucky, and has been a Sangamon County resident since 1905; and
Whereas, Irving, his wife, Jesse, and his four brothers have served as hardworking, gracious pillars of the Springfield community; and

Whereas, Irving has always been an advocate for the proper rearing and care of domestic animals, as has been demonstrated through Rex, his champion showhorse, as well as 35 other showhorses, peacocks, gamebirds, rabbits, and dogs; and
Whereas, Irving celebrated his 90th birthday March 20, 1993. He is still an active participant in outdoor activities and is held in very high regard by his family, friends, and neighbors;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 20, 1993, as IRVINE L. MANNING DAY in Illinois and extend my best wishes to him on his 90th birthday and in the years to follow.

Issued by the Governor April 14, 1993.

Filed with the Secretary of State June 24, 1993.

93-242

PUBLIC HEALTH MONTH

Whereas, the improvement of the health of our citizens depends on programs and services that emphasize the prevention of disease, disability, and dependence; and
Whereas, May has been designated as Public Health Month, with the theme "An investment in your Community," to demonstrate the value of public health and to promote awareness of the many ways investment protects and promotes health and prevents disease; and

Whereas, the observation will be used as a means to improve the general public's and health care professionals' understanding and appreciation of the vital impact public health has on shaping

a healthier future for individuals, families, and communities; and

Whereas, the observation of Public Health Month is a cooperative effort between the Illinois Public Health Association, the Illinois Department of Public Health, and state-recognized local health departments to promote wellness and the benefits of prevention behavior among our citizens; and

Whereas, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal and environmental health while advancing the science of public health through organized activities in the areas of education, research, and health policy development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as PUBLIC HEALTH MONTH in Illinois and urge citizens to take part in the events planned for this observance.

Issued by the Governor April 14, 1993.

Filed with the Secretary of State June 24, 1993.

93-243

SURGICAL TECHNOLOGISTS WEEK

Whereas, in 1969, the Association of Surgical Technologists, Inc., was officially incorporated as a nonprofit educational association, with the support of the Association of Operating Room Nurses, the American College of Surgeons, and the American Hospital Association; and

Whereas, the association's primary concerns center around ensuring that surgical technologists are educationally prepared to deliver quality patient care, which is accomplished through accredited surgical technology programs, national certification, and continuing education; and

Whereas, surgical technologists are responsible for the environmental disinfection, safety, and efficiency of the operating room; their knowledge and experience with aseptic surgical techniques qualify them for a role of importance in the surgical suite; and

Whereas, surgical technologists are skilled, uniquely prepared professionals who take pride in their role as a valuable and integral part of the surgical team for the benefit of patients, the public, and professional colleagues; the State of Illinois, Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 16-23, 1993, as SURGICAL TECHNOLOGISTS WEEK in Illinois.

Issued by the Governor April 14, 1993.

Filed with the Secretary of State June 24, 1993.

93-244

TELEPHONE OPERATORS' WEEK

Whereas, telephone operators are vital to the functions of every business and provide an important service to people everywhere; and

Whereas, this is particularly true in hospitals, where telephone operators are responsible for public address systems, radio paging systems, and physicians' answering services and registers, in addition to running a switchboard. They are also responsible for alerting code and trauma teams and the fire department; and

Whereas, telephone operators are at the core of the communications network, serving physicians, emergency services and hospital personnel, patients, and visitors; and

Whereas, the third week of May has been designated as a time to honor all telephone operators. In conjunction with the observance, the Illinois Hospital Communicators Association will be holding a special luncheon to honor hospital telephone operators May 14, 1993;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17-21, 1993, as TELEPHONE OPERATORS' WEEK in Illinois and encourage everyone to honor their local telephone operators.

Issued by the Governor April 14, 1993.

Filed with the Secretary of State June 24, 1993.

93-245

ASIAN AND PACIFIC AMERICAN HERITAGE MONTH

Whereas, the Asian and Pacific American community constitutes the fastest growing minority group in the country and is a special part of our unique American mosaic; and

Whereas, the achievements of Asian and Pacific Americans have contributed to our nation's progress and prosperity in a wide range of fields including art, architecture, literature, education, government, law, industry, commerce, medicine, science, and technology, and thus contributed to the quality of life for Asians and non-Asians alike; and

Whereas, Asian and Pacific Americans, and all those who journeyed to the United States in pursuit of freedom and liberty, are an important part of our nation's foundation; and

Whereas, the Asian and Pacific American community is visible and active as its members make significant strides toward full participation and equal opportunity in all walks of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as ASIAN AND PACIFIC AMERICAN HERITAGE MONTH in Illinois and urge all citizens to join this celebration recognizing the infinite contributions of Asian and Pacific Americans to our great state.

Issued by the Governor April 16, 1993.

Filed with the Secretary of State June 24, 1993.

93-246

CREDIT EDUCATION WEEK

Whereas, education should never cease to be important in our lives, and this is especially true in the credit reporting and credit granting businesses; and

Whereas, ongoing education serves as a stabilizer for businesses and consumers in managing their financial resources; and

Whereas, credit education is vital to maintaining the ethics of our business climate and safeguarding the rights of the consumer; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18-24, 1993, as CREDIT EDUCATION WEEK in Illinois.

Issued by the Governor April 16, 1993.

Filed with the Secretary of State June 24, 1993.

93-247

DAY OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST

Whereas, Jewish communities throughout the world support the observance of April 18, 1993, as a day of remembrance of the martyrdom of the six million Jews who perished in the Nazi Holocaust; and

Whereas, April 19, 1993, marks the 50th anniversary of the uprising by valiant young Jewish men and women in the Warsaw Ghetto against overwhelming Nazi military might; and

Whereas, it is the obligation of the free world to perpetuate and keep alive the memory of the victims of the Holocaust; and

Whereas, we pay tribute to the heroic stand of the ghetto fighters who rose and kindled the flame of freedom in honor of the Jewish people and mankind;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18, 1993, as DAY OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST in Illinois and urge all citizens to remember with the Holocaust survivors this tragic chapter in our history.

Issued by the Governor April 16, 1993.

Filed with the Secretary of State June 24, 1993.

93-248

DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST

Whereas, from 1933 to 1945, six million Jews died in the Nazi Holocaust as part of a systematic program of genocide. Tens of thousands of Gypsies, millions of Slavs, people with disabilities, religious and political dissidents, and others deemed as "unworthy of life" all perished as victims of Nazism;

and Whereas, April 19, 1993, marks the fiftieth anniversary of the uprising of valiant young Jewish men and women in the Warsaw Ghetto against overwhelming Nazi military might; and Whereas, pursuant to a Act of Congress, April 18, 1993, has been designated as a Day of Remembrance of the Victims of the Holocaust, and is internationally as Yom Hashoah; Whereas, Illinois is a state that should remember the atrocities committed by Nazi Germany and its collaborators and should remain externally vigilant against all tyranny; and Whereas, Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 18-24, 1993, as the DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST in Illinois and urge citizens to utilize education, vigilance, and resistance in continuing efforts to overcome prejudice and inhumanity.

Issued by the Governor April 16, 1993.

Filed with the Secretary of State June 24, 1993.

93-249

DENTAL LABORATORY TECHNICIANS WEEK

Whereas, the National Association of Dental Laboratories, with its more than 1,000 members, works to maintain the dignity and honor of the laboratory profession and to advance its standards; and

Whereas, it extends its services to the ethical dental profession, fostering cooperation among its members and promoting mutual confidence and cordial relations between members of the dental profession and members of the dental trades; and Whereas, the association will be holding its annual meeting in Chicago during the week of June 20-27; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 20-27, 1993, as DENTAL LABORATORY TECHNICIANS WEEK in Illinois.

Issued by the Governor April 16, 1993.

Filed with the Secretary of State June 24, 1993.

93-250

RICH LUDOLPH DAY

Whereas, Richard Ludolph was born May 12, 1953, in Peoria to Elmer and Betty L. Ludolph; and

Whereas, Richard attended St. Mary's Grade School, graduated from Bergen High School in 1971, attended Illinois Central College, and received his bachelor's degree from Illinois State University in 1975; and

Whereas, in 1974, he married Darla Witchell. They have two children, Nicole and Laura; and

Whereas, for the past three years, he has been employed as a Logan County probation officer; and Whereas, during Rich's law enforcement career, he has captured poachers, arrested (and wrestled) drunks on old Route 66, handled domestic disturbances in Middletown, served papers in Atlanta, and sent valuable information to other law enforcement agencies across the country; and

Whereas, Rich is known for his charming personality, his joke-telling ability, his positive attitude, and, most importantly, for the bald spot in the back of his head;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 12, 1993, as RICH LUDOLPH DAY in Illinois.

Issued by the Governor April 16, 1993.

Filed with the Secretary of State June 24, 1993.

93-251

SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK

Whereas, for more than 40 years, Illinois has been recognized as a leader in providing school programs and services for children with physical, mental, emotional, or educational problems; and

Whereas, Illinois school psychologists have demonstrated their concern for children's rights to free and appropriate public education tailored to their individual capabilities; and

Whereas, the school psychology profession and the Illinois School Psychologists Association have dedicated their efforts to serving the mental health and educational needs of all children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-7, 1993, as SCHOOL PSYCHOLOGISTS ASSOCIATION WEEK in Illinois and commend the school psychology professionals on their dedication to the health and well-being of our students.

Issued by the Governor April 16, 1993.

Filed with the Secretary of State June 24, 1993.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PP - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 382-9736.

ABANDONED MINED LANDS RECLAMATION COUNCIL

4 III. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (A-20092/92; CC-1673)
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 89 III. Adm. Code 240 Community Care Program (P-12251/92; A-224) (P-15203/92; A-6090)
 89 III. Adm. Code 220 General Programmatic Requirements (P-883; A-8472) (E-1179)

AGRICULTURE, DEPARTMENT OF

4 III. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (A-11744/92; CC-1673)
 8 III. Adm. Code 65 Egg & Egg Products Act (P-527; A-6749)
 8 III. Adm. Code 700 Farm Preservation Act (P-9781)
 8 III. Adm. Code 115 III. Pseudonities Control Act (E-5906) (P-6373)
 8 III. Adm. Code 256 Lawcare Wash Water & Rinsate Collection (P-14975/92; A-2189)
 8 III. Adm. Code 125 Meat & Poultry Inspection Act (PP-2063)
 8 III. Adm. Code 290 Standardbred & Thoroughbred Horse Breeding & Racing Programs, III. (P-8347)
 8 III. Adm. Code 750 Sustainable Agriculture (P-1251; A-6965)
 8 III. Adm. Code 105 Swine Disease Control & Eradication Act (E-5910) (P-6377)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF
 4 III. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (A-11426/92; CC-1673)
 77 III. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-8599)

ATTORNEY GENERAL
 4 III. Adm. Code 125 Americans With Disabilities Act Grievance Procedure (P-2283/92; A-1811)

AUDITOR GENERAL
 4 III. Adm. Code 1125 Americans With Disabilities Act Grievance Procedure (P-4523)

BANKS AND TRUST COMPANIES, COMMISSIONER OF
 4 III. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)

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 4 III. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)
 71 III. Adm. Code 500 Asbestos Abatement Authority Act Procedures (P-3917)

CARNIVAL-AMUSEMENT SAFETY BOARD
 56 III. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-3922)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF
 44 III. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006) (P-2105) (E-2361)
 80 III. Adm. Code 303 Conditions of Employment (P-19255/92; A-5587)
 80 III. Adm. Code 2160 Local Government Health Plan (P-3577)
 80 III. Adm. Code 302 Merit & Fitness (P-17187/92; A-3169)
 80 III. Adm. Code 310 Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590) (P-14001/92; A-1819) (P-18139/92; A-6441) (P-7605)
 80 III. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-2449)
 44 III. Adm. Code 1 Standard Procurement (P-12808/92; A-600) (P-3926)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 III. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)
 89 III. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)
 89 III. Adm. Code 434 Audit, Reviews & Investigations (P-7115)
 89 III. Adm. Code 330 Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259)
 89 III. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)
 89 III. Adm. Code 354 Facility Amusement Funds (PR-8099)
 89 III. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)
 89 III. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)
 89 III. Adm. Code 335 Relative Home Placement (P-6681)
 89 III. Adm. Code 309 Review & Appeal Process (P-7982/92; AR-1044)
 89 III. Adm. Code 337 Service Appeal Process (P-7999/92; A-1046)
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56 III. Adm. Code 2600	56 III. Adm. Code 2600	Sanitation Delivery System & State Responsibilities (P-1210/92; A-4483)	17 III. Adm. Code 950	17 III. Adm. Code 950	Forestry Development Cost-Sharing Program (P-24107)
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92 III. Adm. Code 1376	92 III. Adm. Code 1376	Accounting & Financial Record Requirements (P-8630)	17 III. Adm. Code 220	17 III. Adm. Code 220	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Gounahog) Hunting (P-4622)
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83 III. Adm. Code 255	83 III. Adm. Code 255	Pole Attachment, Tensioning, Tapping & Conditions Applicable to Cable Television	17 III. Adm. Code 670	17 III. Adm. Code 670	White-Tailed Deer Hunting by Use of Bow and Arrow (P-15365/92; A-286)
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TYPE OF RULEMAKING

am = amendment to existing Section
 cc = codification changes
 n = new Section
 r = repeal of existing Section
 re = reclassified
 # = renumbered

ACTION CODES

A = Adopted rule
 C = Correction
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 E = Emergency rule
 PP = Peremptory rule
 M = Modification
 W = Withdrawal
 RQ = Request for Correction
 PF = Prohibited filing
 S = Suspension
 O = JCAR Objection
 R = Refusal to Modify
 F = Failure to Remedy
 RC = Recommendation
 W = Withdrawal
 EC = Expedited Correction
 CC = Codification Changes

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(A-7054)	1200.100 n		(P-5582; A-9994)	1025.40	(P-13188/92; A-8802)
(CC-8094)	1600.100		(P-5582; A-9994)	1025.50	(P-13188/92; A-8802)
(CC-8093)	1601.10		(P-5582; A-9994)	1025.60	(P-13188/92; A-8802)
(CC-8097)	2075.100		(P-5582; A-9994)	1025.70	(P-13188/92; A-8802)
(CC-5971)	2150.		(P-5582; A-9994)	1050.10	(P-17399/92; A-4185)
(CC-5967)	5175.		(P-5582; A-9994)	1050.20	(P-17399/92; A-4185)
(CC-5967)	5176.		(P-5582; A-9994)	1050.30	(P-17399/92; A-4185)
(CC-5967)			(A-12439/92; CC-1673)	1050.40	(P-17399/92; A-4185)
(CC-5967)			(A-10423/92; CC-1673)	1050.50	(P-17399/92; A-4185)
(CC-5967)			(A-11744/92; CC-1673)	1050.60	(P-17399/92; A-4185)
(CC-5967)			(A-16421/92; CC-1673)	1050.70	(P-17399/92; A-4185)
TITLE 3			(P-15684/92; A-6507)	1075.10	(P-14182/92; A-142)
(P-15828/92; A-6513)	800.20		(P-15684/92; A-6507)	1075.20	(P-14182/92; A-142)
(P-15832/92; A-6517)	850.10		(P-15684/92; A-6507)	1075.30	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1075.40	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1075.50	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1075.60	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1075.70	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.10	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.20	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.30	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.40	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.50	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.60	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.70	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.80	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.90	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.00	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.10	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.20	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.30	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.40	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.50	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.60	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.70	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.80	(P-14182/92; A-142)
(CC-5967)			(P-15684/92; A-6507)	1125.90	(P-14182/92; A-142)</

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256.60	n	(P-14975/92; A-2189)		(P-3956)
256.70	n	(P-14975/92; A-2189)	1400.149	am (P-8297/92; A-3618)
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290.15	am	(P-8347)		
290.30	am	(P-8347)	205.20	n (P-3594) (E-6859; O-8085)
290.55	am	(P-8347)	205.30	n (P-3594) (E-6859; O-8085)
290.60	r	(P-8347)	205.40	n (P-3594) (E-6859; O-8085)
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290.63	n	(P-8347)	205.40	n (P-3594) (E-6859; O-8085)
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290.65	am	(P-8347)	205.50	n (P-3594) (E-6859; O-8085)
290.70	r	(P-8347)	205.60	n (P-3594) (E-6859; O-8085)
290.75	r	(P-8347)	205.70	n (P-3594) (E-6859; O-8085)
290.80	r	(P-8347)		
290.85	am	(P-8347)	205.80	n (P-3594) (E-6859; O-8085)
290.90	am	(P-8347)	205.110	n (P-3594) (E-6859; O-8085)
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2720.70 am	(P-1403; A-10506)	2770.30 am (P-1505; A-10632)
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211.1050 n	(P-4782)	n	211.3150 n	(P-4782)	211.4130 n
211.1090 n	(P-4782)	n	211.3170 n	(P-4782)	211.4150 n
211.1110 n	(P-4782)	n	211.3190 n	(P-4782)	211.4170 n
211.1130 n	(P-4782)	n	211.3210 n	(P-4782)	211.4190 n
211.1150 n	(P-4782)	n	211.3230 n	(P-4782)	211.4210 n
211.1170 n	(P-4782)	n	211.3250 n	(P-4782)	211.4230 n
211.1190 n	(P-4782)	n	211.3270 n	(P-4782)	211.4250 n
211.1210 n	(P-4782)	n	211.3290 n	(P-4782)	211.4270 n
211.1230 n	(P-4782)	n	211.3310 n	(P-4782)	211.4290 n
211.1250 n	(P-4782)	n	211.3330 n	(P-4782)	211.4310 n
211.1270 n	(P-4782)	n	211.3350 n	(P-4782)	211.4330 n
211.1290 n	(P-4782)	n	211.3370 n	(P-4782)	211.4350 n
211.1310 n	(P-4782)	n	211.3390 n	(P-4782)	211.4370 n
211.1330 n	(P-4782)	n	211.3410 n	(P-4782)	211.4390 n
211.1350 n	(P-4782)	n	211.3430 n	(P-4782)	211.4410 n
211.1370 n	(P-4782)	n	211.3450 n	(P-4782)	211.4430 n
211.1390 n	(P-4782)	n	211.3470 n	(P-4782)	211.4450 n
211.1410 n	(P-4782)	n	211.3490 n	(P-4782)	211.4470 n
211.1430 n	(P-4782)	n	211.3510 n	(P-4782)	211.4490 n
211.1450 n	(P-4782)	n	211.3530 n	(P-4782)	211.4510 n
211.1470 n	(P-4782)	n	211.3550 n	(P-4782)	211.4530 n
211.1490 n	(P-4782)	n	211.3570 n	(P-4782)	211.4550 n
211.1510 n	(P-4782)	n	211.3590 n	(P-4782)	211.4570 n
211.1530 n	(P-4782)	n	211.3610 n	(P-4782)	211.4590 n
211.1550 n	(P-4782)	n	211.3630 n	(P-4782)	211.4610 n
211.1570 n	(P-4782)	n	211.3650 n	(P-4782)	211.4630 n
211.1590 n	(P-4782)	n	211.3670 n	(P-4782)	211.4650 n
211.1610 n	(P-4782)	n	211.3690 n	(P-4782)	211.4670 n
211.1630 n	(P-4782)	n	211.3710 n	(P-4782)	211.4690 n
211.1650 n	(P-4782)	n	211.3730 n	(P-4782)	211.4710 n
211.1670 n	(P-4782)	n	211.3750 n	(P-4782)	211.4730 n
211.1690 n	(P-4782)	n	211.3770 n	(P-4782)	211.4750 n
211.1710 n	(P-4782)	n	211.3790 n	(P-4782)	211.4770 n
211.1730 n	(P-4782)	n	211.3810 n	(P-4782)	211.4790 n
211.1750 n	(P-4782)	n	211.3830 n	(P-4782)	211.4810 n
211.1770 n	(P-4782)	n	211.3850 n	(P-4782)	211.4830 n
211.1790 n	(P-4782)	n	211.3870 n	(P-4782)	211.4850 n
211.1810 n	(P-4782)	n	211.3890 n	(P-4782)	211.4870 n
211.1830 n	(P-4782)	n	211.3910 n	(P-4782)	211.4890 n
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724.410	(P-16970/92; A-5806)	am	725.543	(P-16831/92; A-5681)	am
724.414	(P-9453)	am		(P-9245)	am
724.416	(P-9453)	am	725.1100	(P-9245)	n
724.670	(P-9453)	am	725.1101	(P-9245)	n
724.671	(P-9453)	am	725.1102	(P-9245)	n
724.672	(P-9453)	am	726.140	(P-9528)	r
724.673	(P-16970/92; A-5806)	am	726.141	(P-9528)	r
			726.142	(P-9528)	r
			726.143	(P-9528)	r
724.1100	(P-9453)	n	726.144	(P-9528)	r
724.1101	(P-9453)	n	726.200	(P-17028/92; A-5865)	am
724.1102	(P-9453)	am		(P-9528)	am
725.101	(P-9245)	am	726.201	(P-16831/92; A-5681)	am
725.113	(P-16831/92; A-5681)	am	726.203	(P-9528)	am
			726.204	(P-9528)	am
725.115	(P-16831/92; A-5681)	am	726.206	(P-9528)	am
725.119	(P-16831/92; A-5681)	n	726.207	(P-9528)	am
725.173	(P-16831/92; A-5681)	n	726.208	(P-9528)	am
725.210	(P-9245)	am	726.219	(P-9528)	am
725.211	(P-9245)	am	726.212	(P-9528)	am
725.212	(P-9245)	am	726.219	(P-9528)	am
725.240	(P-9245)	am	726.240	(P-9528)	am
725.242	(P-9245)	am	728.102	(P-9317)	am
725.243	(P-9245)	am	728.103	(P-16878/92; A-5727)	am
725.245	(P-9245)	am	728.105	(P-9317)	am
725.247	(P-9245)	am	728.107	(P-9317)	am
725.248	(P-9245)	am	728.109	(P-9317)	am
725.321	(P-16831/92; A-5681)	am	728.114	(P-9317)	am
			728.115	(P-9317)	am
725.322	(P-16831/92; A-5681)	r			
725.323	(P-16831/92; A-5681)	r	728.136	(P-16878/92; A-5727)	n
			728.140	(P-9317)	n
				(P-9317)	n

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728.141	(P-16878/92; A-5727)	n	739.160	(P-9588)	n
	(P-9317)	am	739.161	(P-9588)	n
728.142	(P-9317)	am	739.162	(P-9588)	n
728.145	(P-9317)	n	739.163	(P-9588)	n
728.146	(P-9317)	n	739.164	(P-9588)	n
728.150	(P-9317)	am	739.165	(P-9588)	n
728.Ap.B	(P-9317)	am	739.166	(P-9588)	n
728.Tb.A	(P-9317)	am	739.167	(P-9588)	n
728.Tb.B	(P-9317)	am	739.170	(P-9588)	n
728.Tb.D	(P-16878/92; A-5727)	am	739.171	(P-9588)	n
	(P-9317)	am	739.172	(P-9588)	n
728.Tb.F	(P-9317)	n	739.173	(P-9588)	n
728.Tb.G	(P-9317)	n	739.174	(P-9588)	n
730.168	(P-8428)	n	739.175	(P-9588)	n
730.169	(P-16770/92; A-6190)	am	739.180	(P-9588)	n
730.181	(P-8423)	am	739.181	(P-9588)	n
	(P-16770/92; A-6190)	am	739.182	(P-9588)	n
738.110	(P-8423)	am	810.103	(P-8702)	am
738.117	(P-9588)	n	810.104	(P-8702)	am
739.100	(P-9588)	n	811.101	(P-8726)	am
739.110	(P-9588)	n	811.111	(P-8726)	am
739.111	(P-9588)	n	811.112	(P-8726)	am
739.112	(P-9588)	n	811.113	(P-8726)	am
739.120	(P-9588)	n	811.114	(P-8726)	am
739.121	(P-9588)	n	811.302	(P-8726)	am
739.122	(P-9588)	n	811.303	(P-8726)	am
739.123	(P-9588)	n	811.319	(P-8726)	am
739.124	(P-9588)	n	811.323	(P-8726)	am
739.130	(P-9588)	n	811.324	(P-8726)	am
739.131	(P-9588)	n	811.325	(P-8726)	n
739.132	(P-9588)	n	811.326	(P-8726)	n
739.140	(P-9588)	n	811.700	(P-8726)	am
739.141	(P-9588)	n	811.701	(P-8726)	am
739.142	(P-9588)	n	811.702	(P-8726)	am
739.143	(P-9588)	n	811.703	(P-8726)	am
739.144	(P-9588)	n	811.704	(P-8726)	am
739.145	(P-9588)	n	811.705	(P-8726)	am
739.146	(P-9588)	n	811.706	(P-8726)	am
739.147	(P-9588)	n	811.707	(P-8726)	am
739.150	(P-9588)	n	811.708	(P-8726)	am
739.151	(P-9588)	n	811.709	(P-8726)	am
739.152	(P-9588)	n	811.710	(P-8726)	am
739.153	(P-9588)	n	811.711	(P-8726)	am
739.154	(P-9588)	n	811.712	(P-8726)	am
739.155	(P-9588)	n	811.713	(P-8726)	am
739.156	(P-9588)	n	811.714	(P-8726)	am
739.157	(P-9588)	n	811.715	(P-8726)	am
739.158	(P-9588)	n	811.Ap.B	(P-8726)	am
739.159	(P-9588)	n	814.101	(P-8714)	am

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814.103 am

814.104 am

814.105 am

814.107 n

814.108 n

814.302 am

814.302 am

814.501 am

858.207 am

876.

1420.101 am

1420.102 am

1420.103 am

1420.104 n

1420.105 n

1420.106 n

1420.107 n

1420.120 n

1421.101 n

1421.110 n

1421.111 n

1421.120 n

1421.121 n

1421.130 n

1421.131 n

1421.141 n

1421.141 n

1421.II.A

1422.101 n

1422.105 n

1422.106 n

1422.110 n

1422.111 n

1422.120 n

1422.121 n

1422.122 n

1422.123 n

1422.124 n

1422.125 n

1422.126 n

1422.127 n

1422.Ap.A

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Tb.C

1422.Ap.B

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400.2020 re	(A-4664)	450.220 am	450.940 am	(P-1757092; A-3513)	450.1630 re
400.2030 re	(A-4664)	450.230 re	450.950 re	(A-4475)	450.1640 re
400.2040 re	(A-4664)	450.240 re	450.1000 re	(A-4475)	450.1650 re
400.2050 re	(A-4664)	450.250 re	450.1010 re	(A-4475)	450.1660 re
400.2055 re	(A-4664)	450.255 re	450.1020 am	(P-1757092; A-3513)	450.1670 re
400.2060 re	(A-4664)	450.260 am	450.1030 re	(A-4475)	450.1680 re
400.2070 re	(A-4664)	450.260 re	450.1100 re	(A-4475)	450.1690 re
400.2105 re	(A-4664)	450.270 re	450.1110 re	(A-4475)	450.1700 re
400.2110 re	(A-4664)	450.280 re	450.1120 re	(A-4475)	450.1720 re
400.2120 re	(A-4664)	450.290 re	450.1130 re	(A-4475)	450.1740 re
400.2200 re	(A-4664)	450.310 re	450.1140 re	(A-4475)	450.1750 re
400.2200 re	(A-4664)	450.320 re	450.1150 re	(A-4475)	450.1760 re
400.2210 re	(A-4664)	450.330 re	450.1160 re	(A-4475)	450.1770 re
400.2220 re	(A-4664)	450.340 re	450.1170 re	(A-4475)	450.1790 re
400.2230 re	(A-4664)	450.350 re	450.1175 re	(A-4475)	1000.110 re
400.2240 re	(A-4664)	450.410 am	450.1210 re	(A-4475)	1000.120 re
400.2240 re	(A-4664)	450.410 re	450.1220 re	(A-4475)	1000.130 re
400.2240 re	(A-4664)	450.420 re	450.1230 re	(A-4475)	1000.140 re
400.2260 re	(A-4664)	450.425 n	450.1240 re	(A-4475)	1000.141 re
400.2260 re	(A-4664)	450.430 re	450.1250 re	(A-4475)	1000.142 re
400.2260 re	(A-4664)	450.430 re	450.1305 re	(A-4475)	1000.143 re
400.2260 re	(A-4664)	450.440 re	450.1310 re	(A-4475)	1000.150 re
400.2260 re	(A-4664)	450.450 re	450.1315 re	(A-4475)	1000.205 re
400.2260 re	(A-4664)	450.460 re	450.1320 re	(A-4475)	1000.210 re
400.2260 re	(A-4664)	450.470 re	450.1325 re	(A-4475)	1000.220 re
400.2270 re	(A-4664)	450.475 re	450.1330 re	(A-4475)	1000.230 re
400.2270 re	(A-4664)	450.480 re	450.1335 am	(P-1757092; A-3513)	1000.240 re
450.1110 re	(A-4475)	450.490 re	450.1335 re	(A-4475)	1000.250 re
450.1115 re	(A-4475)	450.510 re	450.1340 re	(A-4475)	1000.260 re
450.1120 re	(A-4475)	450.610 re	450.1345 re	(A-4475)	1000.270 re
450.1125 re	(A-4475)	450.620 re	450.1350 re	(A-4475)	1000.280 re
450.1130 re	(A-4475)	450.630 re	450.1355 re	(A-4475)	1000.290 re
450.1135 re	(P-1757092; A-3513)	450.640 re	450.1360 re	(A-4475)	1000.310 re
450.1140 re	(A-4475)	450.650 re	450.1410 re	(A-4475)	1000.310 re
450.1145 re	(A-4475)	450.660 re	450.1420 re	(A-4475)	1000.420 re
450.1145 re	(A-4475)	450.710 re	450.1430 re	(A-4475)	1000.430 re
450.1145 re	(A-4475)	450.720 re	450.1510 re	(A-4475)	1000.440 re
450.1145 re	(A-4475)	450.730 re	450.1520 re	(A-4475)	1000.440 re
450.1145 re	(A-4475)	450.740 re	450.1530 re	(A-4475)	1000.510 re
450.1160 re	(P-1757092; A-3513)	450.750 re	450.1540 re	(A-4475)	1000.510 re
450.1165 re	(A-4475)	450.810 re	450.1550 re	(A-4475)	1000.610 re
450.1165 re	(P-1757092; A-3513)	450.820 re	450.1560 re	(A-4475)	1000.620 re
450.1165 re	(A-4475)	450.830 re	450.1570 re	(A-4475)	1000.630 re
450.1170 re	(A-4475)	450.840 re	450.1580 re	(A-4475)	1000.640 re
450.1175 am	(P-1757092; A-3513)	450.850 re	450.1590 re	(A-4475)	1000.650 re
450.1175 re	(A-4475)	450.860 re	450.1595 re	(A-4475)	1000.660 re
450.1185 re	(A-4475)	450.910 re	450.1600 re	(A-4475)	1000.665 re
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1000.1590	re	(A-4464)	1000.310	re	(A-4475)
1000.1600	re	(A-4464)	1000.320	re	(A-4475)
1000.1610	re	(A-4464)	1000.330	re	(A-4475)
1000.1620	re	(A-4464)	1000.340	re	(A-4475)
1000.1630	re	(A-4464)	1000.350	re	(A-4475)
1000.1640	re	(A-4464)	1000.410	re	(A-4475)
1000.1650	re	(A-4464)	1000.210	re	(A-4475)
1000.1660	re	(A-4464)	1000.220	re	(A-4475)
1000.1670	re	(A-4464)	1000.230	re	(A-4475)
1000.1680	re	(A-4464)	1000.240	re	(A-4475)
1000.1690	re	(A-4464)	1000.250	re	(A-4475)
1000.1700	re	(A-4464)	1000.260	re	(A-4475)
1000.1710	re	(A-4464)	1000.270	re	(A-4475)
1000.1720	re	(A-4464)	1000.280	re	(A-4475)
1000.1730	re	(A-4464)	1000.290	re	(A-4475)
1000.1740	re	(A-4464)	1000.300	re	(A-4475)
1000.1750	re	(A-4464)	1000.310	re	(A-4475)
1000.1760	re	(A-4464)	1000.320	re	(A-4475)
1000.1770	re	(A-4464)	1000.330	re	(A-4475)
1000.1780	re	(A-4464)	1000.340	re	(A-4475)
1000.1790	re	(A-4464)	1000.350	re	(A-4475)
1000.1800	re	(A-4464)	1000.410	re	(A-4475)
1000.1810	re	(A-4464)	1000.420	re	(A-4475)
1000.1905	re	(A-4464)	1000.430	re	(A-4475)
1000.1910	re	(A-4464)	1000.440	re	(A-4475)
1000.1915	re	(A-4464)	1000.450	re	(A-4475)
1000.1920	re	(A-4464)	1000.460	re	(A-4475)
1000.1930	re	(A-4464)	1000.470	re	(A-4475)
1000.1940	re	(A-4464)	1000.480	re	(A-4475)
1000.1945	re	(A-4464)	1000.490	re	(A-4475)
1000.1950	re	(A-4464)	1000.500	re	(A-4475)
1000.1955	re	(A-4464)	1000.510	re	(A-4475)
1000.1970	re	(A-4464)	1000.520	re	(A-4475)
1000.1975	re	(A-4464)	1000.530	re	(A-4475)
1000.1980	re	(A-4464)	1000.540	re	(A-4475)
1000.1985	re	(A-4464)	1000.550	re	(A-4475)
1000.1990	re	(A-4464)	1000.560	re	(A-4475)
1000.1993	re	(A-4464)	1000.570	re	(A-4475)
1000.1997	re	(A-4464)	1000.580	re	(A-4475)
1000.2005	re	(A-4464)	1000.590	re	(A-4475)
1000.2010	re	(A-4464)	1000.600	re	(A-4475)
1000.2020	re	(A-4464)	1000.610	re	(A-4475)
1000.2030	re	(A-4464)	1000.620	re	(A-4475)
TITLE 39 (CONT'D)			TITLE 39 (CONT'D)		
1000.675	re	(A-4464)	1000.630	re	(A-4475)
1000.680	re	(A-4464)	1000.640	re	(A-4475)
1000.690	re	(A-4464)	1000.650	re	(A-4475)
1000.700	re	(A-4464)	1000.660	re	(A-4475)
1000.710	re	(A-4464)	1000.670	re	(A-4475)
1000.720	re	(A-4464)	1000.680	re	(A-4475)
1000.810	re	(A-4464)	1000.690	re	(A-4475)
1000.910	re	(A-4464)	1000.700	re	(A-4475)
1000.1010	re	(A-4464)	1000.710	re	(A-4475)
1000.1020	re	(A-4464)	1000.720	re	(A-4475)
1000.1030	re	(A-4464)	1000.730	re	(A-4475)
1000.1040	re	(A-4464)	1000.740	re	(A-4475)
1000.1050	re	(A-4464)	1000.750	re	(A-4475)
1000.1060	re	(A-4464)	1000.760	re	(A-4475)
1000.1070	re	(A-4464)	1000.770	re	(A-4475)
1000.1080	re	(A-4464)	1000.780	re	(A-4475)
1000.1090	re	(A-4464)	1000.790	re	(A-4475)
1000.1110	re	(A-4464)	1000.800	re	(A-4475)
1000.1120	re	(A-4464)	1000.810	re	(A-4475)
1000.1130	re	(A-4464)	1000.820	re	(A-4475)
1000.1140	re	(A-4464)	1000.830	re	(A-4475)
1000.1150	re	(A-4464)	1000.840	re	(A-4475)
1000.1160	re	(A-4464)	1000.850	re	(A-4475)
1000.1170	re	(A-4464)	1000.860	re	(A-4475)
1000.1180	re	(A-4464)	1000.870	re	(A-4475)
1000.1190	re	(A-4464)	1000.880	re	(A-4475)
1000.1200	re	(A-4464)	1000.890	re	(A-4475)
1000.1210	re	(A-4464)	1000.900	re	(A-4475)
1000.1220	re	(A-4464)	1000.910	re	(A-4475)
1000.1310	re	(A-4464)	1000.920	re	(A-4475)
1000.1320	re	(A-4464)	1000.930	re	(A-4475)
1000.1330	re	(A-4464)	1000.940	re	(A-4475)
1000.1340	re	(A-4464)	1000.950	re	(A-4475)
1000.1410	re	(A-4464)	1000.960	re	(A-4475)
1000.1420	re	(A-4464)	1000.970	re	(A-4475)
1000.1430	re	(A-4464)	1000.980	re	(A-4475)
1000.1440	re	(A-4464)	1000.990	re	(A-4475)
1000.1450	re	(A-4464)	1000.1000	re	(A-4475)
1000.1460	re	(A-4464)	1000.1010	re	(A-4475)
1000.1470	re	(A-4464)	1000.1020	re	(A-4475)
1000.1480	re	(A-4464)	1000.1030	re	(A-4475)
1000.1510	re	(A-4464)	1000.1040	re	(A-4475)
1000.1520	re	(A-4464)	1000.1050	re	(A-4475)
1000.1530	re	(A-4464)	1000.1060	re	(A-4475)
1000.1540	re	(A-4464)	1000.1070	re	(A-4475)
1000.1550	re	(A-4464)	1000.1080	re	(A-4475)
1000.1560	re	(A-4464)	1000.1090	re	(A-4475)
1000.1570	re	(A-4464)	1000.1100	re	(A-4475)

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(A-4475)	1075 1425	am	(P-2727; A-8894)	1075 2440	am
(A-4475)	1075 1710	am	(P-2727; A-8894)	1075 2450	am
(A-4475)	1075 1710	am	(P-2727; A-8894)	1075 2460	am
(A-4475)	1075 1805	am	(P-2727; A-8894)	1075 2500	am
(A-4475)	1075 1805	am	(P-2727; A-8894)	1075 2510	am
(A-4475)	1075 1810	am	(P-2727; A-8894)	1075 2520	am
(A-4475)	1075 1815	am	(P-2727; A-8894)	1075 2530	am
(A-4475)	1075 1820	am	(P-2727; A-8894)	1075 2540	am
(A-4475)	1075 1825	am	(P-2727; A-8894)	1075 2550	am
(A-4475)	1075 1830	am	(P-2727; A-8894)	1075 2560	am
(A-4475)	1075 1835	am	(P-2727; A-8894)	1075 2570	am
(A-4475)	1075 1840	am	(P-2727; A-8894)	1075 2580	am
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(A-4475)	1075 1850	am	(P-2727; A-8894)		
(A-4475)	1075 1855	am	(P-2727; A-8894)		
(A-4475)	1075 1860	am	(P-2727; A-8894)		
(A-4475)	1075 1865	am	(P-2727; A-8894)		
(A-4475)	1075 1870	am	(P-2727; A-8894)		
(A-4475)	1075 1875	am	(P-2727; A-8894)		
(A-4475)	1075 1880	am	(P-2727; A-8894)		
(A-4475)	1075 1885	am	(P-2727; A-8894)		
(A-4475)	1075 1890	am	(P-2727; A-8894)		
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(A-4475)	1075 1900	am	(P-2727; A-8894)		
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(A-4475)	1075 1920	am	(P-2727; A-8894)		
(A-4475)	1075 1925	am	(P-2727; A-8894)		
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(A-4475)	1075 1935	am	(P-2727; A-8894)		
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(A-4475)	1075 1950	am	(P-2727; A-8894)		
(A-4475)	1075 1955	am	(P-2727; A-8894)		
(A-4475)	1075 1960	am	(P-2727; A-8894)		
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(A-4475)	1075 1995	am	(P-2727; A-8894)		
(A-4475)	1075 2000	am	(P-2727; A-8894)		
(A-4475)	1075 2005	am	(P-2727; A-8894)		
(A-4475)	1075 2010	am	(P-2727; A-8894)		
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(P-2727; A-8894)	1075 2035	am	(P-1401792; W-9752)	140.12	am
(P-2727; A-8894)	1075 2040	am	(P-1401792; W-9752)	140.18	am
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(P-2727; A-8894)	1075 2050	am	(P-1401792; W-9752)	140.50	am
(P-2727; A-8894)	1075 2055	am	(P-1401792; W-9752)	140.55	am
(P-2727; A-8894)	1075 2060	am	(P-1401792; W-9752)	140.65	am
(P-2727; A-8894)	1075 2065	am	(P-1401792; W-9752)	140.70	am
(P-2727; A-8894)	1075 2070	am	(P-1401792; W-9752)	140.80	am
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(P-2727; A-8894)	1075 2105	am	(P-1401792; W-9752)	140.180	am
(P-2727; A-8894)	1075 2110	am	(P-1401792; W-9752)	140.185	am
(P-2727; A-8894)	1075 2115	am	(P-1401792; W-9752)	140.220	am
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(P-2727; A-8894)	1075 2130	am	(P-1401792; W-9752)	140.305	am
(P-2727; A-8894)	1075 2135	am	(P-1401792; W-9752)	140.310	am
(P-2727; A-8894)	1075 2140	am	(P-1401792; W-9752)	140.390	am
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(P-2727; A-8894)	1075 2380	am			
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910.E.X.B am	2013.40 am	(P-5992)	265.71 n	(P-2523; A-10275)	(P-14078/92; A-10282)
910.E.X.C n	2013.50 am	(P-5992)	265.74 n	(P-12006/92; A-308)	(P-14078/92; A-10282)
910.I.L.A n	2013.60 am	(P-5992)	265.75 am	(P-12006/92; A-308)	(P-6397)
910.I.L.C n	2013.10 am	(P-5992)	265.328 am	(P-15638/92; A-614)	(P-6397)
920.10 r	2013.20 n	(P-2530)	265.329 n	(P-15638/92; A-614)	(P-6397)
920.20 r	2013.30 n	(P-2530)	265.330 n	(P-15638/92; A-614)	(P-15715/92; RC-3689; A-4261)
921.10 am	2013.40 n	(P-2106)	265.333 am	(P-15638/92; A-614)	(P-15715/92; RC-3689; A-4261)
921.20 am	2013.50 n	(P-2106)	265.334 am	(P-15638/92; A-614)	(P-15715/92; RC-3689; A-4261)
921.30 am	2013.60 n	(P-2106)	265.335 am	(P-15629/92; A-295)	(P-15715/92; RC-3689; A-4261)
932.20 am	7020.80 am	(P-7279/92; O-1240; M-6893)	2770.105 am	(P-15629/92; A-295)	(P-15715/92; RC-3689; A-4261)
932.40 am		(P-7279/92; O-1240; M-6893)	2770.110 am	(P-886; A-10270)	(P-15715/92; RC-3689; A-4261)
932.60 am	350.280 am	(P-7279/92; O-1240; M-6893; A-5768)	2840.125 n	(P-8403)	(P-15715/92; RC-3689; A-4261)
939.10 am	2520.700 #	(P-758)	2865.1 am	(P-6907)	(P-15715/92; RC-3689; A-4261)
939.20 am	2520.710 am	(P-758)	2865.50 am	(P-6907)	(P-15715/92; RC-3689; A-4261)
939.30 am	2520.720 am	(P-758)	2865.60 am	(P-6907)	(P-15715/92; RC-3689; A-4261)
939.40 am	2520.730 am	(P-758)	2865.115 am	(P-6907)	(P-15715/92; RC-3689; A-4261)
939.50 am	2520.740 #	(P-758)	2865.210 am	(P-6907)	(P-15715/92; RC-3689; A-4261)
939.60 am	2520.750 r	(P-758)	2865.215 am	(P-6907)	(P-15715/92; RC-3689; A-4261)
939.70 am	2520.760 am	(P-758)	6000.120 am	(P-3922)	(P-15715/92; RC-3689; A-4261)
939.80 am	2520.770 am	(P-758)			
939.90 am	2520.780 am	(P-758)			
103.10 n	2520.790 am	(P-8411)	103.10 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
103.20 n	2520.795 am	(P-8411)	103.11 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
103.30 n	2520.797 am	(P-8411)	103.15 n	(P-14078/92; A-10282)	(P-14078/92; A-10282)
103.40 n	2520.800 am	(P-8411)	103.20 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
103.50 n	2520.805 am	(P-8411)	103.25 n	(P-14078/92; A-10282)	(P-14078/92; A-10282)
103.60 n	2600.50 am	(P-8411)	103.30 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
103.70 Ex.A n	2712.201 am	(P-8411)	103.40 r	(P-14078/92; A-10282)	(P-14078/92; A-10282)
103.80 Ex.A n	2712.203 am	(P-8411)	103.50 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1250.10 n	2712.205 am	(P-3985)	103.60 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1250.20 n	2712.207 am	(P-3985)	103.65 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1250.30 n	2712.209 am	(P-3985)	103.70 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1250.40 n	2720.100 am	(P-3985)	103.70 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.10 n	2720.110 r	(P-8715/92; A-4195)	103.80 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.20 n	2720.115 am	(P-8715/92; A-4195)	103.90 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.30 n	2720.135 am	(P-8715/92; A-4195)	103.95 n	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.40 n	2720.145 am	(P-8715/92; A-4195)	103.100 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.50 n	2732.225 n	(P-8715/92; A-4195)	103.120 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.60 n	2732.232 n	(P-8715/92; A-4195)	103.130 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.70 n	2765.50 am	(P-8715/92; A-4195)	103.140 r	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.80 n	2765.55 am	(P-8715/92; A-4195)	103.150 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.90 n	2765.60 am	(P-8715/92; A-4195)	103.160 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
1408.II.A n	2013.10 am	(P-10375/92; A-1525)	103.165 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
2013.10 am		(P-10375/92; A-1525)	103.170 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
2013.20 am		(P-10375/92; A-1525)	103.180 am	(P-14078/92; A-10282)	(P-14078/92; A-10282)
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TITLE 77 (CONT'D)		SECTIONS AFFECTED INDEX			
790.820	r	(P-7198) (E-7283)	790.1560	am	(P-17496/92, W-7075)
790.830	r	(P-7198) (E-7283)	790.1565	n	(P-7198) (E-7283)
790.840	r	(P-17496/92, W-7075)	790.1570	r	(P-17496/92, W-7075)
790.860	am	(P-7198) (E-7283)	790.1573	r	(P-7198) (E-7283)
790.900	r	(P-7198) (E-7283)	790.1577	am	(P-17496/92, W-7075)
790.905	r	(P-7198) (E-7283)	790.1580	r	(P-7198) (E-7283)
790.910	r	(P-7198) (E-7283)	790.1620	r	(P-7198) (E-7283)
790.920	r	(P-7198) (E-7283)	790.1660	r	(P-7198) (E-7283)
790.940	r	(P-7198) (E-7283)	790.1665	r	(P-7198) (E-7283)
790.974	am	(P-17496/92, W-7075)	790.1667	r	(P-7198) (E-7283)
790.980	r	(P-7198) (E-7283)	790.1697	r	(P-7198) (E-7283)
790.1020	r	(P-7198) (E-7283)	790.1700	r	(P-7198) (E-7283)
790.1060	r	(P-7198) (E-7283)	790.1706	r	(P-7198) (E-7283)
790.1100	r	(P-7198) (E-7283)	790.1708	r	(P-7198) (E-7283)
790.1107	r	(P-7198) (E-7283)	790.1710	r	(P-7198) (E-7283)
790.1112	r	(P-7198) (E-7283)	790.1719	r	(P-7198) (E-7283)
790.1120	r	(P-7198) (E-7283)	790.1721	r	(P-7198) (E-7283)
790.1125	r	(P-7198) (E-7283)	790.1740	r	(P-7198) (E-7283)
790.1127	r	(P-7198) (E-7283)	790.1780	r	(P-7198) (E-7283)
790.1129	r	(P-7198) (E-7283)	790.1820	r	(P-7198) (E-7283)
790.1131	r	(P-7198) (E-7283)	790.1835	r	(P-7198) (E-7283)
790.1140	r	(P-7198) (E-7283)	790.1842	r	(P-7198) (E-7283)
790.1180	r	(P-7198) (E-7283)	790.1848	r	(P-7198) (E-7283)
790.1200	r	(P-7198) (E-7283)	790.1856	r	(P-7198) (E-7283)
790.1220	r	(P-7198) (E-7283)	790.1858	r	(P-7198) (E-7283)
790.1260	r	(P-7198) (E-7283)	790.1859	n	(P-7198) (E-7283)
790.1300	r	(P-7198) (E-7283)	790.1859	n	(P-17496/92, W-7075)
790.1345	r	(P-7198) (E-7283)	790.1860	r	(P-7198) (E-7283)
790.1350	am	(P-17496/92, W-7075)	790.1870	r	(P-7198) (E-7283)
790.1360	r	(P-7198) (E-7283)	790.1900	r	(P-7198) (E-7283)
790.1380	r	(P-7198) (E-7283)	790.1930	am	(P-7198) (E-7283)
790.1386	r	(P-7198) (E-7283)	790.1940	r	(P-17496/92, W-7075)
790.1388	am	(P-7198) (E-7283)	790.1940	am	(P-7198) (E-7283)
790.1390	am	(P-17496/92, W-7075)	790.1950	am	(P-7198) (E-7283)
790.1418	am	(P-7198) (E-7283)	790.1960	am	(P-17496/92, W-7075)
790.1420	r	(P-7198) (E-7283)	790.1980	r	(P-7198) (E-7283)
790.1423	r	(P-7198) (E-7283)	790.2020	r	(P-7198) (E-7283)
790.1425	r	(P-7198) (E-7283)	790.2060	r	(P-7198) (E-7283)
790.1440	r	(P-7198) (E-7283)	790.2084	r	(P-7198) (E-7283)
790.1460	r	(P-7198) (E-7283)	790.2086	n	(P-7198) (E-7283)
790.1490	r	(P-7198) (E-7283)	790.2092	r	(P-17496/92, W-7075)
790.1490	r	(P-7198) (E-7283)	790.2097	r	(P-7198) (E-7283)
790.1500	r	(P-7198) (E-7283)	790.2100	r	(P-7198) (E-7283)

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July 9, 1993			July 9, 1993		
TITLE 71 (CONT'D)			TITLE 71 (CONT'D)		
790.2130	r	(P-17198) (E-7283)	790.2740	r	(P-17198) (E-7283)
790.2130	r	(P-17198) (E-7283)	790.2780	r	(P-17198) (E-7283)
790.2140	r	(P-17198) (E-7283)	790.2800	r	(P-17198) (E-7283)
790.2155	r	(P-17198) (E-7283)	790.2805	r	(P-17198) (E-7283)
790.2180	r	(P-17198) (E-7283)	790.2820	r	(P-17198) (E-7283)
790.2200	r	(P-17198) (E-7283)	790.2860	r	(P-17198) (E-7283)
790.2260	r	(P-17198) (E-7283)	790.2900	r	(P-17198) (E-7283)
790.2300	r	(P-17198) (E-7283)	790.2902	r	(P-17198) (E-7283)
790.2340	r	(P-17198) (E-7283)	790.2904	r	(P-17198) (E-7283)
790.2380	r	(P-17198) (E-7283)	790.2908	r	(P-17198) (E-7283)
790.2420	r	(P-17198) (E-7283)	790.2915	r	(P-17198) (E-7283)
790.2460	r	(P-17198) (E-7283)	790.2928	r	(P-17198) (E-7283)
790.2462	am	(P-17198) (E-7283)	790.2932	am	(P-17198) (E-7283)
790.2465	am	(P-17198) (E-7283)	790.2940	r	(P-17198) (E-7283)
790.2470	r	(P-17198) (E-7283)	790.2980	r	(P-17198) (E-7283)
790.2485	r	(P-17198) (E-7283)	790.3020	r	(P-17198) (E-7283)
790.2500	r	(P-17198) (E-7283)	790.3021	r	(P-17198) (E-7283)
790.2510	r	(P-17198) (E-7283)	790.3023	r	(P-17198) (E-7283)
790.2540	r	(P-17198) (E-7283)	790.3025	r	(P-17198) (E-7283)
790.2555	r	(P-17198) (E-7283)	790.3027	am	(P-17198) (E-7283)
790.2580	r	(P-17198) (E-7283)	790.3028	r	(P-17198) (E-7283)
790.2585	r	(P-17198) (E-7283)	790.3029	r	(P-17198) (E-7283)
790.2588	r	(P-17198) (E-7283)	790.3030	r	(P-17198) (E-7283)
790.2589	r	(P-17198) (E-7283)	790.3032	r	(P-17198) (E-7283)
790.2600	n	(P-17198) (E-7283)	790.3033	r	(P-17198) (E-7283)
790.2603	n	(P-17198) (E-7283)	790.3038	r	(P-17198) (E-7283)
790.2605	am	(P-17198) (E-7283)	790.3042	r	(P-17198) (E-7283)
790.2613	am	(P-17198) (E-7283)	790.3048	r	(P-17198) (E-7283)
790.2614	r	(P-17198) (E-7283)	790.3051	r	(P-17198) (E-7283)
790.2617	r	(P-17198) (E-7283)	790.3054	r	(P-17198) (E-7283)
790.2618	am	(P-17198) (E-7283)	790.3056	r	(P-17198) (E-7283)
790.2620	r	(P-17198) (E-7283)	790.3060	r	(P-17198) (E-7283)
790.2645	r	(P-17198) (E-7283)	790.3085	r	(P-17198) (E-7283)
790.2655	r	(P-17198) (E-7283)	790.3100	r	(P-17198) (E-7283)
790.2660	am	(P-17198) (E-7283)	790.3140	r	(P-17198) (E-7283)
790.2661	am	(P-17198) (E-7283)	790.3180	r	(P-17198) (E-7283)
790.2662	am	(P-17198) (E-7283)	790.3220	r	(P-17198) (E-7283)
790.2663	r	(P-17198) (E-7283)	790.3235	n	(P-17198) (E-7283)
790.2672	r	(P-17198) (E-7283)	790.3260	r	(P-17198) (E-7283)
790.2700	r	(P-17198) (E-7283)	790.3300	r	(P-17198) (E-7283)
			790.3308	am	(P-17198) (E-7283)
			790.3315	r	(P-17198) (E-7283)
			790.3335	r	(P-17198) (E-7283)
			790.3337	n	(P-17198) (E-7283)

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TITLE 77 (CONT'D)					
790.6570	am	(P-17198) (E-7283)	790.7280	am	(P-17456/92; W-7075)
790.6580	am	(P-17496/92; W-7075)	790.7284	f	(P-198) (E-7283)
		(P-17198) (E-7283)	790.7288	f	(P-198) (E-7283)
790.6610	am	(P-17496/92; W-7075)	790.7291	f	(P-198) (E-7283)
		(P-17198) (E-7283)	790.7294	f	(P-198) (E-7283)
790.6620	f	(P-17198) (E-7283)	790.7296	f	(P-198) (E-7283)
790.6621	f	(P-17198) (E-7283)	790.7300	f	(P-198) (E-7283)
790.6660	f	(P-17198) (E-7283)	790.7340	f	(P-198) (E-7283)
790.6670	f	(P-17198) (E-7283)	790.7380	f	(P-198) (E-7283)
790.6700	f	(P-17198) (E-7283)	790.7400	f	(P-198) (E-7283)
790.6740	am	(P-17496/92; W-7075)	790.7420	f	(P-198) (E-7283)
		(P-17198) (E-7283)	790.7460	f	(P-198) (E-7283)
790.6780	f	(P-17198) (E-7283)	790.7500	f	(P-198) (E-7283)
790.6800	f	(P-17198) (E-7283)	790.7510	am	(P-17496/92; W-7075)
790.6820	f	(P-17198) (E-7283)	790.7520	am	(P-198) (E-7283)
790.6860	f	(P-17198) (E-7283)	790.7540	f	(P-198) (E-7283)
790.6875	f	(P-17198) (E-7283)	790.7580	f	(P-198) (E-7283)
790.6895	f	(P-17198) (E-7283)	790.7620	f	(P-198) (E-7283)
790.6900	f	(P-17198) (E-7283)	790.7660	f	(P-198) (E-7283)
790.6940	f	(P-17198) (E-7283)	790.7700	f	(P-198) (E-7283)
790.6946	f	(P-17198) (E-7283)	790.7740	f	(P-198) (E-7283)
790.6960	f	(P-17198) (E-7283)	790.7820	f	(P-198) (E-7283)
790.6980	f	(P-17198) (E-7283)	790.7834	f	(P-198) (E-7283)
790.7020	f	(P-17198) (E-7283)	790.7860	f	(P-17496/92; W-7075)
790.7060	f	(P-17198) (E-7283)	790.7875	am	(P-198) (E-7283)
790.7100	f	(P-17198) (E-7283)	790.7900	f	(P-198) (E-7283)
790.7120	f	(P-17198) (E-7283)	790.7940	f	(P-198) (E-7283)
790.7130	f	(P-17198) (E-7283)	790.7980	f	(P-198) (E-7283)
790.7140	f	(P-17198) (E-7283)	790.8015	f	(P-198) (E-7283)
790.7160	f	(P-17198) (E-7283)	790.8030	f	(P-198) (E-7283)
790.7180	f	(P-17198) (E-7283)	790.8060	f	(P-17496/92; W-7075)
790.7181	f	(P-17198) (E-7283)	790.8080	f	(P-198) (E-7283)
790.7220	f	(P-17198) (E-7283)	790.8100	f	(P-198) (E-7283)
790.7221	am	(P-17496/92; W-7075)	790.8130	f	(P-198) (E-7283)
		(P-17198) (E-7283)	790.8140	f	(P-198) (E-7283)
790.7223	f	(P-17198) (E-7283)	790.8160	f	(P-198) (E-7283)
790.7229	f	(P-17198) (E-7283)	790.8200	f	(P-198) (E-7283)
790.7245	am	(P-17496/92; W-7075)	790.8244	f	(P-198) (E-7283)
		(P-17198) (E-7283)	790.8248	am	(P-17496/92; W-7075)
790.7260	f	(P-17198) (E-7283)	790.8260	f	(P-198) (E-7283)
790.7263	am	(P-17496/92; W-7075)	790.8290	f	(P-198) (E-7283)
790.7265	f	(P-17198) (E-7283)	790.8300	f	(P-198) (E-7283)
790.7272	f	(P-17198) (E-7283)	790.8340	f	(P-198) (E-7283)
790.7278	am	(P-17496/92; W-7075)			
		(P-17198) (E-7283)			

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(P-17198) (E-7283)	790.9478	r	(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17198) (E-7283)	790.9486	r	(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17198) (E-7283)	790.9500	am	(P-17496/92, W-7075)	(P-17496/92, W-7075)
(P-17198) (E-7283)			(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17198) (E-7283)	790.9520	am	(P-17496/92, W-7075)	(P-17496/92, W-7075)
(P-17198) (E-7283)			(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17198) (E-7283)	790.9530	r	(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17496/92, W-7075)	790.9540	r	(P-17496/92, W-7075)	(P-17496/92, W-7075)
(P-17198) (E-7283)	790.9580	r	(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17198) (E-7283)	790.9620	r	(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17198) (E-7283)	790.9660	r	(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17198) (E-7283)	790.9800	r	(P-17198) (E-7283)	(P-17198) (E-7283)
(P-17198) (E-7283)	840.20	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	840.115	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	840.210	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	840.215	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	840.305	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	840.310	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	840.310	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	Ex.A	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	Ex.B	r	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	Ex.B	r	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	840.40	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	840.40	am	(P-4329/92, A-2319)	(P-4329/92, A-2319)
(P-17198) (E-7283)	845.10	am	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.15	am	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.20	am	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17496/92, W-7075)	845.23	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.25	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.26	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17496/92, W-7075)	845.28	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.29	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.30	am	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17496/92, W-7075)			M-2731, A-1884	M-2731, A-1884
(P-17198) (E-7283)	845.40	am	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.50	am	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.60	r	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.A	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.B	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.C	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.D	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.E	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.F	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.G	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.H	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.I	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.J	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.K	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.L	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.M	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.N	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.O	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.P	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.Q	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.R	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.S	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.T	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.U	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.V	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.W	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.X	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.Y	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.Z	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AA	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AB	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AC	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AD	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AE	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AF	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AG	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AH	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AI	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AJ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AK	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AL	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AM	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AN	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AO	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AP	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AQ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AR	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AS	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AT	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AU	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AV	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AW	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AX	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AY	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.AZ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BA	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BB	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BC	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BD	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BE	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BF	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BG	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BH	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BI	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BJ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BK	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BL	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BM	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BN	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BO	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BP	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BQ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BR	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BS	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BT	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BU	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BV	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BW	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BX	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BY	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.BZ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CA	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CB	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CC	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CD	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CE	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CF	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CG	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CH	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CI	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CJ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CK	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CL	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CM	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CN	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CO	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CP	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CQ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CR	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CS	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CT	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CU	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CV	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CW	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CX	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CY	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.CZ	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.DA	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.DB	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.DC	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
(P-17198) (E-7283)	845.6p.DD	n	(P-12314/92, A-1884)	(P-12314/92, A-1884)
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900.40	am	(P-1087092; A-4388)	1130.740	am	(P-475592; A-5882)		
900.50	am	(P-1087092; A-4388)	1130.750	am	(P-1321092; A-4448)		
900.60	am	(P-1087092; A-4388)	1130.760	am	(P-475592; A-5882)		
900.65	am	(P-1087092; A-4388)	1130.770	am	(P-475592; A-5882)		
900.70	am	(P-1087092; A-4388)	1130.780	am	(P-475592; A-5882)		
900.75	am	(P-1087092; A-4388)	1130. Ap.A	am	(P-475592; O-1242;		
900.Th.E	n	(P-1087092; A-4388)			R-5951; A-5882)		
900.Th.F	n	(P-1087092; A-4388)	1230.10	r	(P-518792; A-5878)		
900.Th.G	n	(P-1087092; A-4388)	1230.20	r	(P-518792; A-5878)		
900.Th.H	n	(P-1087092; A-4388)	1230.30	r	(P-518792; A-5878)		
900.Th.I	n	(P-1087092; A-4388)	1230.110	r	(P-518792; A-5878)		
Ex.A	n	(P-1087092; A-4388)	1230.120	r	(P-518792; A-5878)		
Ex.B	n	(P-1087092; A-4388)	1230.210	r	(P-518792; A-5878)		
Ex.D	n	(P-1087092; A-4388)	1230.220	r	(P-518792; A-5878)		
915.10	am	(P-1089892; A-4425)	1230.240	r	(P-518792; A-5878)		
915.20	am	(P-1089892; A-4425)	1230.250	r	(P-518792; A-5878)		
915.40	n	(P-1089892; A-4425)	1230.260	r	(P-518792; A-5878)		
915.50	n	(P-1089892; A-4425)	1230.310	n	(P-518792; A-5878)		
1100.740	n	(P-8144)	1230.320	r	(P-518792; A-5878)		
1110.60	n	(P-1523892; A-4453)	1230.330	r	(P-518792; A-5878)		
1110.235	n	(P-1523892; A-4453)	1230.410	r	(P-518792; A-5878)		
1110.2510	n	(P-8149)	1230.420	r	(P-518792; A-5878)		
1110.2520	n	(P-8149)	1230. Th.A	r	(P-518792; A-5878)		
1110.2530	n	(P-8149)	1230. Th.B	r	(P-518792; A-5878)		
1110.2540	n	(P-8149)	1235.10	n	(E-432; O-3056) (P-4683;		
1110.2550	n	(P-8149)	1235.20	n	A-8498)		
1120.10	n	(P-520592; A-4431)	1235.30	n	(E-432; O-3056) (P-4683;		
1120.20	n	(P-520592; RC-1244;	1235.30	n	A-8498)		
		A-4433)			(E-432; O-3056) (P-4683;		
1120.110	n	(P-520592; A-4431)	1235.40	n	A-8498)		
1120.120	n	(P-520592; RC-1244;	1235.50	n	(E-432; O-3056) (P-4683;		
		A-4431)			A-8498)		
1120.130	n	(P-520592; A-4431)	1235.50	n	(E-432; O-3056) (P-4683;		
1120.210	n	(P-520592; A-4431)	1235.100	n	(E-432; O-3056) (P-4683;		
1120.310	n	(P-520592; RC-1244;	1235.100	n	A-8498)		
		A-4431)	1235.110	n	(E-432; O-3056) (P-4683;		
1120. Ap.A	n	(P-520592; RC-1244;	1235.200	n	A-8498)		
		A-4431)			(E-432; O-3056) (P-4683;		
1130.140	am	(P-475592; A-5882)	1235.210	n	A-8498)		
1130.220	am	(P-475592; A-5882)	1235.210	n	(E-432; O-3056) (P-4683;		
1130.410	am	(P-475592; A-5882)	1235.220	n	A-8498)		
1130.510	am	(P-475592; A-5882)	1235.230	am	(E-432; O-3056) (P-4683;		
1130.620	am	(P-475592; A-5882)	1235.230	am	(E-432; O-3056) (P-4683;		
1130.630	am	(P-475592; A-5882)	1235.240	am	A-8498)		
1130.640	am	(P-475592; A-5882)	1235.240	am	(E-432; O-3056) (P-4683;		
1130.710	am	(P-475592; A-5882)	1235.250	am	A-8498)		
1130.720	am	(P-475592; A-5882)	1235.250	am	(E-432; O-3056) (P-4683;		
1130.730	am	(P-475592; A-5882)	1235.250	am	A-8498)		

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TITLE 77 (CONT'D)		(E-432; O-3056) (P-683; A-8498)		(P-18139/92; A-6441)		(P-6635)		(P-12384/92; A-1631)
1235.300 n	310.30	am	am	(P-13679/92; A-238)	n	(P-6635)	am	(P-12384/92; A-1631)
1235.310 n	310.110	am	am	(P-13679/92; A-238)	n	(P-6635)	am	(P-12384/92; A-1631)
1235.320 N	310.210	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1240.10 r	310.270	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1240.30 r	310.290	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1240.40 r	310.320	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1240.50 r	310.350	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1240.60 r	310.380	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1240.70 r	310.410	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1240.80 r	310.440	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1240.90 r	310.470	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.00 r	310.500	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.10 r	310.530	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.20 r	310.560	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.30 r	310.590	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.40 r	310.620	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.50 r	310.650	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.60 r	310.680	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.70 r	310.710	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.80 r	310.740	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1241.90 r	310.770	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.00 r	310.800	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.10 r	310.830	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.20 r	310.860	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.30 r	310.890	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.40 r	310.920	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.50 r	310.950	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.60 r	310.980	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.70 r	311.010	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.80 r	311.040	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1242.90 r	311.070	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1243.00 r	311.100	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1243.10 r	311.130	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1243.20 r	311.160	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1243.30 r	311.190	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1243.40 r	311.220	am	am	(P-18139/92; A-6441)	am	(P-6635)	am	(P-12384/92; A-1631)
1243.50								
TITLE 78								
150.210	am							
150.220	am							
150.230	am							
150.240	am							
150.250	am							
150.260	am							
150.270	am							
150.280	am							
150.290	am							
150.300	am							
150.310	am							
150.320	am							
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150.350	am							
150.360	am							
150.370	am							
150.380	am							
150.390	am							
150.400	am							
150.410	am							
150.420	am							
150.430	am							
150.440	am							
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150.990	am							
151.000	am							
151.010	am							
151.020	am							
151.030	am							
151.040	am							
151.050	am							
151.060	am							
151.070	am							
151.080	am							
151.090	am							
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151.110	am							
151.120	am							
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151.140	am							
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151.160	am							
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151.180	am							
151.190	am							
151.200	am							
151.210	am							
151.220	am							
151.230	am							
151.240	am							
151.250	am							
151.260	am							
151.270	am							
151.280	am							
151.290	am							
151.300	am							
151.310	am							
151.320	am							
151.330	am							
151.340	am							
151.350	am							
151.360	am							
151.370	am							
151.380	am							
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151.590	am							
151.600	am							
151.610	am							
151.620	am							
151.630	am							
151.640	am							
151.650	am							
151.660	am							
151.670	am							
151.680	am							
151.690	am							
151.700	am							
151.710	am							
151.720	am							
151.730	am							
151.740	am							
151.750	am							
151.760	am							
151.770	am							
151.780	am							
151.790	am							
151.800	am							
151.810	am							
151.820	am							
151.830	am							
151.840	am							
151.850	am							
151.860	am							

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TITLE 89 (CONT'D)	505.5	(P-1731; A-9964)	TITLE 89 (CONT'D)	442.435	(P-15845/92; A-3540)
337.60	505.30	(P-7999/92; A-1046)	1200.80	am	(P-3110)
337.70	505.30	(P-7999/92; A-1046)	1200.100	am	am
337.80	505.40	(P-7999/92; A-1046)	1200.110	am	am
337.90	505.50	(P-7999/92; A-1046)	1200.110	am	am
337.100	505.60	(P-7999/92; A-1046)	1200.4p-A	am	am
337.110	505.70	(P-7999/92; A-1046)			
337.120	505.80	(P-7999/92; A-1046)			
337.130	525.50	(P-947; A-9980)	TITLE 92		
337.140	540.50	(P-20088/92; A-6244)	10.10	am	(P-6418)
337.150	562.20	(P-14189/92; A-3895)	10.20	am	(P-6418)
337.160	562.30	(P-14189/92; A-3895)	10.30	am	(P-6418)
337.170	567.20	(P-10403/92; A-149)	10.40	am	(P-6418)
337.180	567.30	(P-10403/92; A-149)	10.50	am	(P-6418)
337.190	567.100	(P-10403/92; A-149)	10.60	am	(P-6418)
337.200	587.610	(P-952; W-3686)	10.70	am	(P-6418)
337.210	592.50	(P-1375; W-3687)	10.80	am	(P-6418)
337.220	592.80	(P-1375; W-3687)	10.90	am	(P-6418)
337.230	680.300	(P-943; A-7230)	67.10	am	(P-1767; A-9035)
337.240	685.150	(P-18947/92; A-6256)	67.20	am	(P-1767; A-9035)
337.250	690.100	(P-15065/92; A-3675)	67.30	am	(P-1767; A-9035)
337.260	690.200	(P-15065/92; A-3675)	67.40	am	(P-1767; A-9035)
337.270	690.300	(P-15065/92; A-3675)	67.50	am	(P-1767; A-9035)
337.280	690.400	(P-15065/92; A-3675)	67.60	am	(P-1767; A-9035)
337.290	708.300	(P-9852; E-10003)	67.70	am	(P-1767; A-9035)
337.300	730.700	(P-10397/92; A-425)	67.80	am	(P-1767; A-9035)
337.310	827.10	(P-77; A-6260)	67.90	am	(P-1767; A-9035)
337.320	827.30	(P-77; A-6260)	67.100	am	(P-1767; A-9035)
337.330	827.40	(P-77; A-6260)	67.110	am	(P-1767; A-9035)
337.340	830.50	(P-18759/92; A-6248)	67.120	am	(P-1767; A-9035)
337.350	897.10	(E-6886)	67.130	am	(P-1767; A-9035)
337.360	897.20	(E-6886)	67.140	am	(P-1767; A-9035)
337.370	897.30	(E-6886)	67.150	am	(P-1767; A-9035)
337.380	897.40	(E-6886)	67.160	am	(P-1767; A-9035)
337.390	897.50	(E-6886)	67.170	am	(P-1767; A-9035)
337.400	897.60	(E-6886)	67.180	am	(P-1767; A-9035)
337.410	1200.10	(P-15354/92; A-1137)	67.190	am	(P-1767; A-9035)
337.420	1200.20	(P-15354/92; A-1137)	67.200	am	(P-1767; A-9035)
337.430	1200.30	(P-15354/92; A-1137)	67.210	am	(P-1767; A-9035)
337.440	1200.40	(P-15354/92; A-1137)	67.220	am	(P-1767; A-9035)
337.450	1200.50	(P-15354/92; A-1137)	67.230	am	(P-1767; A-9035)
337.460	1200.60	(P-15354/92; A-1137)	67.240	am	(P-1767; A-9035)
337.470	1200.70	(P-15354/92; A-1137)	67.250	am	(P-1767; A-9035)
337.480	1200.80	(P-15354/92; A-1137)	67.260	am	(P-1767; A-9035)
337.490	1200.90	(P-15354/92; A-1137)	67.270	am	(P-1767; A-9035)
337.500	1200.10	(P-15354/92; A-1137)	67.280	am	(P-1767; A-9035)
337.510	1200.20	(P-15354/92; A-1137)	67.290	am	(P-1767; A-9035)
337.520	1200.30	(P-15354/92; A-1137)	67.300	am	(P-1767; A-9035)
337.530	1200.40	(P-15354/92; A-1137)	67.310	am	(P-1767; A-9035)
337.540	1200.50	(P-15354/92; A-1137)	67.320	am	(P-1767; A-9035)
337.550	1200.60	(P-15354/92; A-1137)	67.330	am	(P-1767; A-9035)
337.560	1200.70	(P-15354/92; A-1137)	67.340	am	(P-1767; A-9035)
337.570	1200.80	(P-15354/92; A-1137)	67.350	am	(P-1767; A-9035)
337.580	1200.90	(P-15354/92; A-1137)	67.360	am	(P-1767; A-9035)
337.590	1200.10	(P-15354/92; A-1137)	67.370	am	(P-1767; A-9035)
337.600	1200.20	(P-15354/92; A-1137)	67.380	am	(P-1767; A-9035)
337.610	1200.30	(P-15354/92; A-1137)	67.390	am	(P-1767; A-9035)
337.620	1200.40	(P-15354/92; A-1137)	67.400	am	(P-1767; A-9035)
337.630	1200.50	(P-15354/92; A-1137)	67.410	am	(P-1767; A-9035)
337.640	1200.60	(P-15354/92; A-1137)	67.420	am	(P-1767; A-9035)
337.650	1200.70	(P-15354/92; A-1137)	67.430	am	(P-1767; A-9035)
337.660	1200.80	(P-15354/92; A-1137)	67.440	am	(P-1767; A-9035)
337.670	1200.90	(P-15354/92; A-1137)	67.450	am	(P-1767; A-9035)
337.680	1200.10	(P-15354/92; A-1137)	67.460	am	(P-1767; A-9035)
337.690	1200.20	(P-15354/92; A-1137)	67.470	am	(P-1767; A-9035)
337.700	1200.30	(P-15354/92; A-1137)	67.480	am	(P-1767; A-9035)
337.710	1200.40	(P-15354/92; A-1137)	67.490	am	(P-1767; A-9035)
337.720	1200.50	(P-15354/92; A-1137)	67.500	am	(P-1767; A-9035)
337.730	1200.60	(P-15354/92; A-1137)	67.510	am	(P-1767; A-9035)
337.740	1200.70	(P-15354/92; A-1137)	67.520	am	(P-1767; A-9035)
337.750	1200.80	(P-15354/92; A-1137)	67.530	am	(P-1767; A-9035)
337.760	1200.90	(P-15354/92; A-1137)	67.540	am	(P-1767; A-9035)
337.770	1200.10	(P-15354/92; A-1137)	67.550	am	(P-1767; A-9035)
337.780	1200.20	(P-15354/92; A-1137)	67.560	am	(P-1767; A-9035)
337.790	1200.30	(P-15354/92; A-1137)	67.570	am	(P-1767; A-9035)
337.800	1200.40	(P-15354/92; A-1137)	67.580	am	(P-1767; A-9035)
337.810	1200.50	(P-15354/92; A-1137)	67.590	am	(P-1767; A-9035)
337.820	1200.60	(P-15354/92; A-1137)	67.600	am	(P-1767; A-9035)
337.830	1200.70	(P-15354/92; A-1137)	67.610	am	(P-1767; A-9035)
337.840	1200.80	(P-15354/92; A-1137)	67.620	am	(P-1767; A-9035)
337.850	1200.90	(P-15354/92; A-1137)	67.630	am	(P-1767; A-9035)
337.860	1200.10	(P-15354/92; A-1137)	67.640	am	(P-1767; A-9035)
337.870	1200.20	(P-15354/92; A-1137)	67.650	am	(P-1767; A-9035)
337.880	1200.30	(P-15354/92; A-1137)	67.660	am	(P-1767; A-9035)
337.890	1200.40	(P-15354/92; A-1137)	67.670	am	(P-1767; A-9035)
337.900	1200.50	(P-15354/92; A-1137)	67.680	am	(P-1767; A-9035)
337.910	1200.60	(P-15354/92; A-1137)	67.690	am	(P-1767; A-9035)
337.920	1200.70	(P-15354/92; A-1137)	67.700	am	(P-1767; A-9035)
337.930	1200.80	(P-15354/92; A-1137)	67.710	am	(P-1767; A-9035)
337.940	1200.90	(P-15354/92; A-1137)	67.720	am	(P-1767; A-9035)
337.950	1200.10	(P-15354/92; A-1137)	67.730	am	(P-1767; A-9035)
337.960	1200.20	(P-15354/92; A-1137)	67.740	am	(P-1767; A-9035)
337.970	1200.30	(P-15354/92; A-1137)	67.750	am	(P-1767; A-9035)
337.980	1200.40	(P-15354/92; A-1137)	67.760	am	(P-1767; A-9035)
337.990	1200.50	(P-15354/92; A-1137)	67.770	am	(P-1767; A-9035)
338.000	1200.60	(P-15354/92; A-1137)	67.780	am	(P-1767; A-9035)
338.010	1200.70	(P-15354/92; A-1137)	67.790	am	(P-1767; A-9035)
338.020	1200.80	(P-15354/92; A-1137)	67.800	am	(P-1767; A-9035)
338.030	1200.90	(P-15354/92; A-1137)	67.810	am	(P-1767; A-9035)
338.040	1200.10	(P-15354/92; A-1137)	67.820	am	(P-1767; A-9035)
338.050	1200.20	(P-15354/92; A-1137)	67.830	am	(P-1767; A-9035)
338.060	1200.30	(P-15354/92; A-1137)	67.840	am	(P-1767; A-9035)
338.070	1200.40	(P-15354/92; A-1137)	67.850	am	(P-1767; A-9035)
338.080	1200.50	(P-15354/92; A-1137)	67.860	am	(P-1767; A-9035)
338.090	1200.60	(P-15354/92; A-1137)	67.870	am	(P-1767; A-9035)
338.100	1200.70	(P-15354/92; A-1137)	67.880	am	(P-1767; A-9035)
338.110	1200.80	(P-15354/92; A-1137)	67.890	am	(P-1767; A-9035)
338.120	1200.90	(P-15354/92; A-1137)	67.900	am	(P-1767; A-9035)
338.130	1200.10	(P-15354/92; A-1137)	67.910	am	(P-1767; A-9035)
338.140	1200.20	(P-15354/92; A-1137)	67.920	am	(P-1767; A-9035)
338.150	1200.30	(P-15354/92; A-1137)	67.930	am	(P-1767; A-9035)
338.160	1200.40	(P-15354/92; A-1137)	67.940	am	(P-1767; A-9035)
338.170	1200.50	(P-15354/92; A-1137)	67.950	am	(P-1767; A-9035)
338.180	1200.60	(P-15354/92; A-1137)	67.960	am	(P-1767; A-9035)
338.190	1200.70	(P-15354/92; A-1137)	67.970	am	(P-1767; A-9035)
338.200	1200.80	(P-15354/92; A-1137)	67.980	am	(P-1767; A-9035)
338.210	1200.90	(P-15354/92; A-1137)	67.990	am	(P-1767; A-9035)
338.220	1200.10	(P-15354/92; A-1137)	68.000	am	(P-1767; A-9035)
338.230	1200.20	(P-15354/92; A-1137)	68.010	am	(P-1767; A-9035)
338.240	1200.30	(P-15354/92; A-1137)	68.020	am	(P-1767; A-9035)
338.250	1200.40	(P-15354/92; A-1137)	68.030	am	(P-1767; A-9035)
338.260	1200.50	(P-15354/92; A-1137)	68.040	am	(P-1767; A-9035)
338.270	1200.60	(P-15354/92; A-1137)	68.050	am	(P-1767; A-9035)
338.280	1200.70	(P-15354/92; A-1137)	68.060	am	(P-1767; A-9035)
338.290	1200.80	(P-15354/92; A-1137)	68.070	am	(P-1767; A-9035)
338.300	1200.90	(P-15354/92; A-1137)	68.080	am	(P-1767; A-9035)
338.310	1200.10	(P-15354/92; A-1137)	68.090	am	(P-1767; A-9035)
338.320	1200.20	(P-15354/92; A-1137)	68.100	am	(P-1767; A-9035)
338.330	1200.30	(P-15354/92; A-1137)	68.110	am	(P-1767; A-9035)
338.340	1200.40	(P-15354/92; A-1137)	68.120	am	(P-1767; A-9035)
338.350	1200.50	(P-15354/92; A-1137)	68.130	am	(P-1767; A-9035)
338.360	1200.60	(P-15354/92; A-1137)	68.140	am	(P-1767; A-9035)
338.370	1200.70	(P-15354/92; A-1137)	68.150	am	(P-1767; A-9035)
338.380	1200.80	(P-15354/92; A-1137)	68.160	am	(P-1767; A-9035)
338.390	1200.90	(P-15354/92; A-1137)	68.170	am	(P-1767; A-9035)
338.400	1200.10	(P-15354/92; A-1137)	68.180	am	(P-1767; A-9035)
338.410	1200.20	(P-15354/92; A-1137)	68.190	am	(P-1767; A-9035)
338.420	1200.30	(P-15354/92; A-1137)	68.200	am	(P-1767; A-9035)
338.430	1200.40	(P-15354/92; A-1137)	68.210	am	(P-1767; A-9035)
338.440	1200.50	(P-15354/92; A-1137)	68.220	am	(P-1767; A-9035)
338.450	1200.60	(P-15354/92; A-1137)	68.230	am	(P-1767; A-9035)
338.460	1200.70	(P-15354/92; A-1137)	68.240	am	(P-1767; A-9035)
338.470	1200.80	(P-15354/92; A-1137)	68.250	am	(P-1767; A-9035)
338.480	1200.90	(P-15354/92; A-1137)	68.260	am	(P-1767; A-9035)
338.490	1200.10	(P-15354/92; A-1137)	68.270	am	(P-1767; A-9035)
338.500	1200.20	(P-15354/92; A-1137)	68.280	am	(P-1767; A-9035)
338.510	1200.30	(P-15354/92; A-1137)	68.290	am	(P-1767; A-9035)
338.520	1200.40	(P-15354/92; A-1137)	68.300	am	(P-1767; A-9035)
338.530	1200.50	(

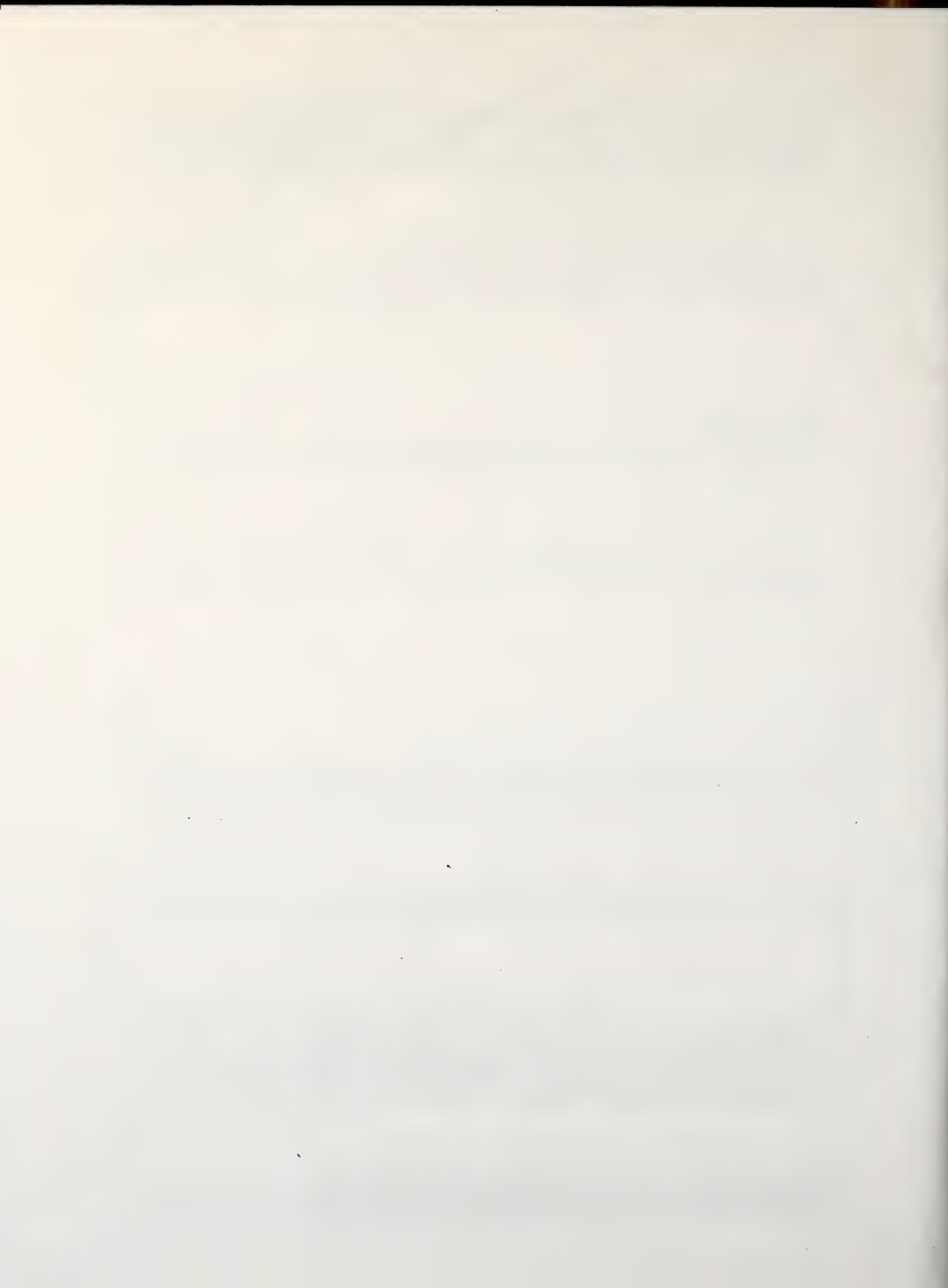
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704.60 n	(P-17244/92; A-4494)	1040.20 am (P-2148)
704.70 n	(P-17244/92; A-4494)	1040.101 am (P-1727; A-8512)
704.80 n	(P-17244/92; A-4494)	1040.102 n (P-285; A-90286)
704.90 n	(P-17244/92; A-4494)	1070.100 n (P-2863; A-8517)
704.100 n	(P-17244/92; A-4494)	1236.10 n (P-9167)
704.110 n	(P-17244/92; A-4494)	1360.40 am (P-1685)
704.120 n	(P-17244/92; A-4494)	1375.10 am (P-8633)
704.130 n	(P-17244/92; A-4494)	1375.15 r (P-8633)
704.140 n	(P-17244/92; A-4494)	1375.20 r (P-8633)
704.150 n	(P-17244/92; A-4494)	1375.30 r (P-8633)
704.160 n	(P-17244/92; A-4494)	1375.40 r (P-8633)
704.170 n	(P-17244/92; A-4494)	1375.50 r (P-8633)
1001.00 am	(P-1761/92; A-6274)	1375.60 r (P-8633)
1001.20 am	(P-1761/92; A-6274)	1375.70 r (P-8633)
1001.40 am	(P-1761/92; A-6274)	1375.80 r (P-8633)
1001.60 am	(P-1761/92; A-6274)	1375.85 r (P-8633)
1001.80 am	(P-1761/92; A-6274)	1375.90 r (P-8633)
1002.00 am	(P-1761/92; A-6274)	1375.1000 r (P-8633)
1002.20 am	(P-1761/92; A-6274)	1375.1020 r (P-8633)
1002.40 am	(P-1761/92; A-6274)	1375.1030 r (P-8633)
1002.60 am	(P-1761/92; A-6274)	1375.1040 r (P-8633)
1002.80 am	(P-1761/92; A-6274)	1375.1050 r (P-8633)
1003.00 am	(P-1761/92; A-6274)	1375.1060 r (P-8633)
1003.20 am	(P-1761/92; A-6274)	1375.1070 r (P-8633)
1003.40 am	(P-1761/92; A-6274)	1375.1080 r (P-8633)
1003.60 am	(P-1761/92; A-6274)	1375.1090 r (P-8633)
1003.80 am	(P-1761/92; A-6274)	1375.1100 r (P-8633)
1004.00 am	(P-1761/92; A-6274)	1375.1110 r (P-8633)
1004.20 am	(P-1761/92; A-6274)	1375.1120 r (P-8633)
1004.40 am	(P-1761/92; A-6274)	1375.1130 r (P-8633)
1004.60 am	(P-1761/92; A-6274)	1375.1140 r (P-8633)
1004.80 am	(P-1761/92; A-6274)	1375.1150 r (P-8633)
1005.00 am	(P-1761/92; A-6274)	1375.1160 r (P-8633)
1001.485 n	(P-1758; A-8528)	1375.1170 r (P-8633)
1001.500 n	(E-2047)	1375.2010 r (P-8633)
1001.510 n	(P-1758; A-8528)	1375.2020 r (P-8633)
1001.520 n	(E-2047)	1375.2030 r (P-8633)
1001.530 n	(P-1758; A-8528)	1375.2040 r (P-8633)
1001.540 n	(E-2047)	1375.2050 r (P-8633)
1001.550 n	(P-1758; A-8528)	1375.2060 r (P-8633)
1001.560 n	(E-2047)	1375.2070 r (P-8633)
1001.570 n	(P-1758; A-8528)	1375.2080 r (P-8633)
1001.580 n	(E-2047)	1375.3010 r (P-8633)
1001.590 n	(P-956; A-8275) (E-1219)	1375.3020 r (P-8633)
1001.60 n	(P-956; A-8275) (E-1219)	1375.3030 r (P-8633)
1001.61 n	(P-956; A-8275) (E-1219)	1375.4010 r (P-8633)
1001.62 n	(P-122139/92; A-2025)	1375.5010 r (P-8633)
1001.63 n	(P-12138/92; A-7065)	1375.6010 r (P-8633)

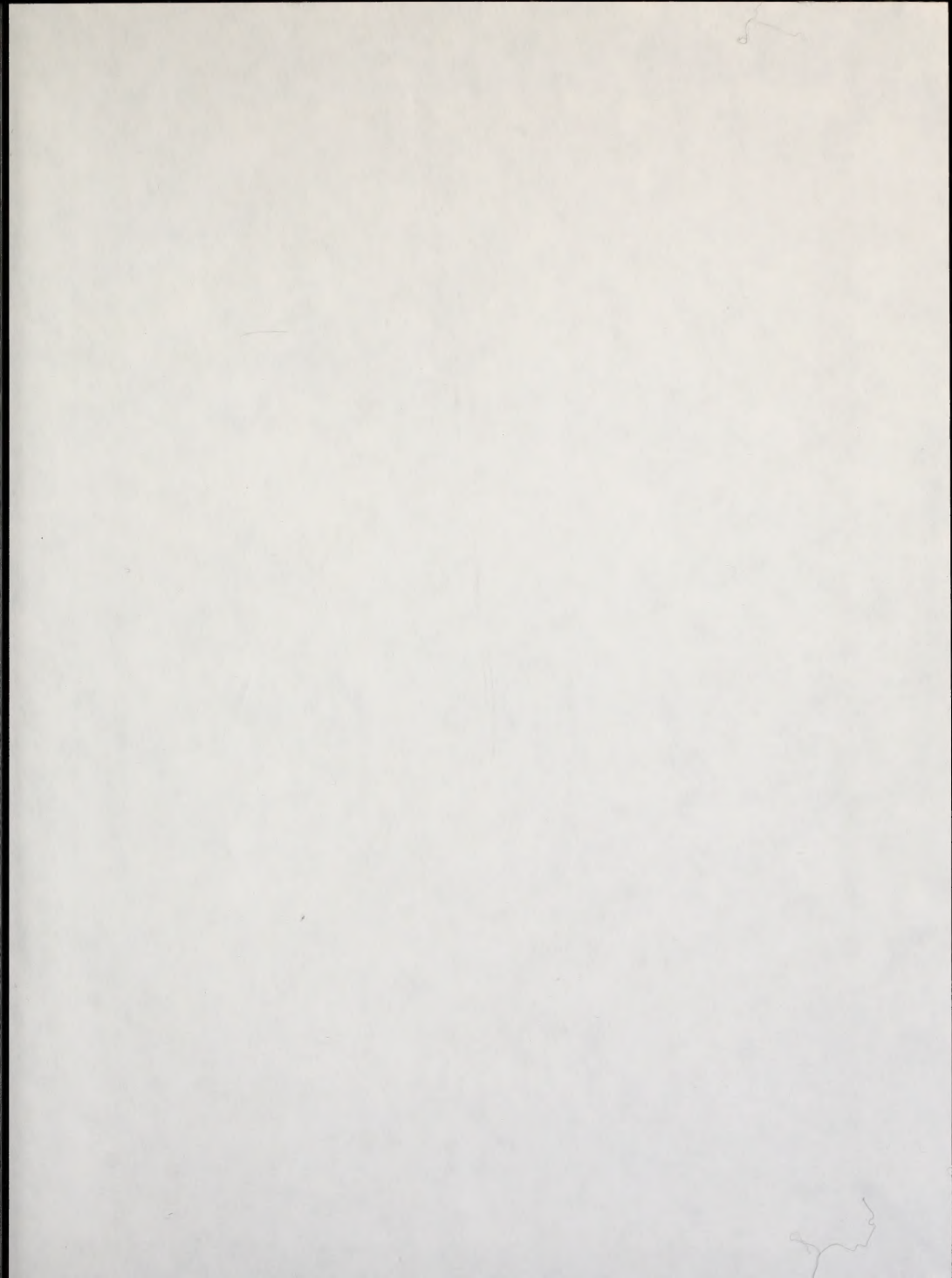
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1375 6040	(P-8635)	2520 204	(P-566; A-8536)
1375 7010	(P-8635)	2520 204	(P-542; A-8539)
1375 7020	(P-8635)	2520 204	(P-566; A-8536)
1375 7030	(P-8635)	2520 205	(P-542; A-8539)
1375 7040	(P-8635)	2520 205	(P-566; A-8536)
1375 7050	(P-8635)	2520 206	(P-542; A-8539)
1375 7060	(P-8635)	2520 206	(P-566; A-8536)
1375 7070	(P-8635)	2520 207	(P-542; A-8539)
1375 7080	(P-8635)	2520 207	(P-566; A-8536)
1375 7090	(P-8635)	2520 208	(P-542; A-8539)
1375 7100	(P-8635)	2520 208	(P-566; A-8536)
1375 7110	(P-8635)	2520 209	(P-542; A-8539)
1375 7120	(P-8635)	2520 209	(P-566; A-8536)
1375 7130	(P-8635)	2520 210	(P-542; A-8539)
1375 7140	(P-8635)	2520 210	(P-566; A-8536)
1375 7150	(P-8635)	2520 211	(P-542; A-8539)
1375 7160	(P-8635)	2520 211	(P-566; A-8536)
1375 7170	(P-8635)	2520 212	(P-542; A-8539)
1375 7175	(P-8635)	2520 212	(P-566; A-8536)
1375 7180	(P-8635)	2520 213	(P-542; A-8539)
1375 7190	(P-8635)	2520 213	(P-566; A-8536)
1375 7200	(P-8635)	2520 214	(P-542; A-8539)
1375 7210	(P-8635)	2520 214	(P-566; A-8536)
1375 7220	(P-8635)	2520 215	(P-542; A-8539)
1375 7230	(P-8635)	2520 215	(P-566; A-8536)
1375 7240	(P-8635)	2520 216	(P-542; A-8539)
1375 7250	(P-8635)	2520 216	(P-566; A-8536)
1375 7260	(P-8635)	2520 217	(P-542; A-8539)
1375 8100	(P-8635)	2520 217	(P-566; A-8536)
1375 8110	(P-8635)	2520 218	(P-542; A-8539)
1375 8120	(P-8635)	2520 218	(P-566; A-8536)
1375 8130	(P-8635)	2520 219	(P-542; A-8539)
1375 8140	(P-8635)	2520 219	(P-566; A-8536)
1376 10	(P-8630)	2520 220	(P-542; A-8539)
1376 20	(P-8630)	2520 220	(P-566; A-8536)
1376 30	(P-8630)	2520 221	(P-542; A-8539)
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2520 26	(P-542; A-8539)	2520 222	(P-542; A-8539)
2520 105	(P-542; A-8539)	2520 222	(P-566; A-8536)
2520 105	(P-542; A-8539)	2520 223	(P-542; A-8539)
2520 110	(P-542; A-8539)	2520 223	(P-566; A-8536)
2520 110	(P-542; A-8539)	2520 224	(P-542; A-8539)
2520 200	(P-542; A-8539)	2520 224	(P-566; A-8536)
2520 201	(P-542; A-8539)	2520 225	(P-542; A-8539)
2520 201	(P-542; A-8539)	2520 225	(P-566; A-8536)
2520 202	(P-542; A-8539)	2520 226	(P-542; A-8539)
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2520.400 r (P-566; A-8536)
2520.401 n (P-542; A-8539)
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2520.406 n (P-542; A-8539)
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